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LOK SABHA DEBATES

Ninth Session
(Second Lok Sabha)



LOK SABHA SECRETARIAT

NEW DELHI

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N.B.—The sign + above a name of a Member on Questions, which were orally answered indicates that the Question was actually asked on the floor of the House by that Member.

LOK SABHA

Tuesday, December 8, 1959/Agrahayana 17, 1881 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Conversion of Super-Constellations as Passenger-Cargo Planes

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*657. { Pandit D. N. Tiwari:
Shri M. L. Dwivedi:

Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that orders for conversion of Super-constellations from all-passenger to passenger-cargo planes have been placed with the Lockheed Aircraft Service of California; and

(b) if so, the terms of the contracts?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) Yes, Sir.

(b). I lay a statement on the Table of the House. [See Appendix II, annexure No. 91].

Pandit D. N. Tiwari: May I know whether any tender was called, or, whether payment was settled through negotiations?

Shri Mohiuddin. This is a specialised job and it was not possible to call for tenders. Enquiries were made from other airlines and manufacturers and it was found that the Lockheed Aircraft Service could do the work best.

Pandit D. N. Tiwari: May I know whether, on enquiry, it was found that other firms were ready to do the work at a lesser cost?

226(A) LSD-1.

Shri Mohiuddin: No, Sir. As far as I understand, this involves a major structural change in the body of the aircraft. We could give it only to a firm which had the experience of this type of work, and this kind of work could be done only by a very big, reputable company.

Shri Baghunath Singh: The Hindustan Aircraft Factory is now a very old concern. May I know whether this work was not possible in the Hindustan Aircraft Factory with the aid of the foreign experts?

Shri Mohiuddin: I am not sure whether the Hindustan Aircraft Factory has actually quoted in this respect. But, as I have stated, this work involves a major structural change of a super-constellation plane which has never been repaired or manufactured in the Hindustan Aircraft Factory.

The Minister of Transport and Communications (Dr. P. Subbarayan): I would like to add to what my hon. colleague has said. If we had found that it was possible for the Hindustan Aircraft Factory to do this work, we would not have gone outside the country

Some Hon. Members rose—

Mr. Speaker: Instead of getting a negative answer, what hon. Members want to know is, whether the Hindustan Aircraft Factory was consulted and whether the Hindustan Aircraft Factory said, "we are not able to do it"?

Shri Mohiuddin: I have no information whether they were actually consulted because their name does not appear here.

Shri Tangamani: In view of the importance of this conversion, may I know why there is so much delay in

the delivery and re-delivery of the aircraft? I find from the statement that the first delivery is on the 1st May, 1960 and the redelivery will be on the 16th July, 1960.

Shri Mohiuddin: It will be seen that the plane will be given to the factory in the first week of May. They will make the changes and re-deliver it in the end of July. 1st May has been fixed because the Boeings will be coming during this period and the Corporation cannot spare super-constellations for such work before May.

Shri Sinhasan Singh: There have been two different answers given here. To the first question whether any tenders were invited, the hon. Deputy Minister replied that it was a technical thing and so no tender could be invited. To the second question, which was put by Shri Raghunath Singh, the hon. Deputy Minister said that the Hindustan Aircraft did not quote—rather he was not sure of it—but then the Minister of Transport and Communications said that if the Hindustan Aircraft could do the work the Government would not have gone outside the country. We want to know what is the fact: whether the Hindustan Aircraft was consulted at all. The Hindustan Aircraft is a Government-owned factory. We want to know whether it was consulted.

Shri Mohiuddin: The question is not clear.

Mr. Speaker: I understand the question to be this. Since there is the Hindustan Aircraft Factory, before placing orders with some other firm, why was not the Hindustan Aircraft consulted, and if it was consulted, what was the difficulty?

Dr. P. Subbarayan: For the simple reason that our technical experts felt that the Hindustan Aircraft Factory did not have the facilities to do this work.

श्री गोविन्द दास : हिन्दुस्तान एयर-क्राफ्ट से हम सम्बन्ध में बातचीत नहीं हुई यह तो स्पष्ट है। मैं यह जानना चाहता हूँ

कि बाकिर इतनी बड़ी फैक्टरी हमारे यहाँ मौजूब है तो आप अपने विशेषज्ञों पर ही क्यों निर्भर रहे और हिन्दुस्तान एयरक्राफ्ट फैक्टरी जो लोग बलते हैं, उनसे या यदि उसी प्रकार का कोई दूसरी भारतीय उद्योग है तो उससे एक विदेशी को इसका ठेका देने के पहले आपने बातचीत क्यों नहीं की ?

Shri Mohiuddin: As I have already stated, I have no knowledge whether the Hindustan Aircraft was consulted. The second point is that this involves a major structural change. For example, all the doors have got to be widened and the whole side of the body had to be opened. This is a very delicate and important problem which could be dealt with only by those who have the manufacturing experience in this line.

Some Hon. Members rose—

Mr. Speaker: Order, order.

श्री गोविन्द दास : मैं यह जानना चाहता था कि आपने कम से कम उनसे सलाह तो ली होगी, आपने उनसे सलाह क्यों नहीं ली ?

Some Hon. Members rose—

Mr. Speaker: The question is this. There is the Hindustan Aircraft Factory which undertakes repairs of aircraft and where trainer aircraft are also manufactured. This factory is the first of its kind in the country. Why was it not consulted? Who are the experts? I understand the substance of these questions. The main question is why was not the Hindustan Aircraft consulted.

Dr. P. Subbarayan: I am grateful for this elucidation. But, as I have already stated, this was a specialised job and our technical experts felt that it could not be carried out in the Hindustan Aircraft Factory and so we had to give it to a firm which had experience of manufacturing this aircraft.

Several Hon. Members rose—

Mr. Speaker: Order, order. Hon. Members obviously want to know whether there are technical experts other than those in the Hindustan Aircraft Factory.

Dr. P. Subbarayan: We have our own technical experts in the Indian Airlines Corporation and the Air-India International. (Interruptions).

Some Hon. Members rose—

Mr. Speaker: I will allow a half an-hour discussion regarding the Hindustan Aircraft Factory in relation to this subject.

Dr. P. Subbarayan: My hon. friends are as ignorant as myself of technical matters. (Interruptions).

Mr. Speaker: The hon. Minister will get his brief and we will have a half-an-hour discussion on this matter. How far the Hindustan Aircraft Factory can repair the aircraft; if aircraft can be repaired easily with some more addition to equipment, why not all such repairs be done in the Hindustan Aircraft Factory, instead of placing orders with a foreign country;—these are all matters which will be discussed.

Next question.

Sugarcane Cultivation in Orissa

*658. **Shri Panigrahi:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Government of India have given any financial aid to the Orissa Government during the Second Five Year Plan period for the promotion and development of sugarcane cultivation in the State;

(b) if so, the amount of assistance given so far for this purpose to Orissa; and

(c) whether the Central Government have insisted on any condition for giving Central aid for this purpose to the State Government?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Yes, Sir.

(b) A sum of Rs. 13,000 on account of Central subsidy for sugarcane development schemes was given to the Orissa Government during 1956-57 and 1957-58. With the change in procedure for disbursement of Central assistance for development schemes from 1958-59, the exact amount of grant paid to that Government for that year is not known. However, a total of Rs. 12.24 lakhs grant was sanctioned for all schemes of agricultural production including sugarcane development during 1958-59.

Besides, a sum of Rs. 47,000 was paid by the Indian Central Sugarcane Committee as grant-in-aid to the State Government for sugarcane research schemes from 1956-57 to 1958-59.

(c) No, Sir. The Central Government have not prescribed any special conditions for the grant of Central assistance to Orissa. However, there is a general approved pattern of financial assistance from the Centre which applies to all States and funds are sanctioned in accordance with that pattern.

Shri Panigrahi: May I know to what extent the acreage under sugarcane crops has increased in the Second Plan period?

Shri M. V. Krishnappa: In the beginning of the Plan period, that is to say, 1955-56 the total acreage in Orissa was 56,000 acres. They wanted to raise it to one lakh acres, which was their target. Now, according to the figures that they have given to us, in the first two years they could raise it only to 59,000 acres. In the next three years they hope they could reach the target of one lakh acres.

Shri Surendranath Dwivedy: May I know whether the entire amount that was given to the Government of Orissa for this purpose was utilized?

Shri M. V. Krishnappa: We had set apart nearly Rs. 9½ lakhs in the Plan for this purpose. They had been a little slow in utilising that amount, for which they have given certain reasons. They are now trying to speed it up and they hope to utilize

the whole amount by the end of the Plan.

Shri Supakar: May I know the area under sugarcane cultivation which has been benefited by the Hirakud dam project?

Shri M. V. Krishnappa: I have no details with me. They say that only 6,000 acres have been brought under cultivation in the first two years of the Plan.

Shri Jadhav: What was the average yield per acre at the beginning of the First Plan? What is it at present?

Shri M. V. Krishnappa: The average yield was about 16 tons per acre. They want to raise it to nearly 20 tons per acre in certain selected pockets in Orissa.

Shri Braj Raj Singh: May I know whether any help has been given to the sugarcane growing States like UP and Bihar for the promotion and development of sugarcane cultivation in those areas?

Shri M. V. Krishnappa: We are giving a lot of money through the sugarcane committee and the State Government for the development of sugarcane cultivation and also for research. If the hon. Member wants more particulars, I will supply the information if notice is given.

Shri Shivananjappa: May I know whether financial aid is given for the development of sugarcane cultivation or for research stations?

Shri M. V. Krishnappa: Both for research and development.

Replacement of Dakotas by the I.A.C.

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*659. { **Shri Ram Krishan Gupta:**
Shri Khushwaqt Rai:
Shri Ajit Singh Sarhadi:

Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 339 on the 12th August, 1959 and state at what stage is the proposal to

replace Dakota Aircraft of the Indian Airlines Corporation?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (i) The proposal of the Indian Airlines Corporation to purchase, as an interim measure, 5 Fokker Friendship aircraft, has been approved, subject to the condition that the foreign exchange expenditure involved will be met by a barter deal. The barter deal is under negotiation.

(ii) The Lockheed Aircraft Corporation have since submitted their proposal for the manufacture and production in India of a new aeroplane to replace the Dakotas. This is under examination.

Shri Ram Krishan Gupta: May I know the type of aircraft by which these Dakotas will be replaced?

Shri Mohiuddin: It will be replaced with a passenger aircraft with modern equipments. And it will be a suitable aircraft for landing in all those places where Dakotas now land.

Shri Ram Krishan Gupta: May I know whether the expenditure involved in the introduction of the scheme has been assessed?

Shri Mohiuddin: I could not follow the question.

Mr. Speaker: Has the total cost of replacement been assessed?

Shri Mohiuddin: Yes Sir. Quotations have been obtained and the prices are known. The question of purchase is under consideration.

Shri Ajit Singh Sarhadi: Is it not a fact that agreement has been arrived at for the purchase of aircrafts?

Shri Mohiuddin: No Sir. No agreement as such has been arrived at. Until the foreign exchange sanction is received, no final agreement could be arrived at.

सेठ गोविन्द दास : जो डकोटाओं के स्थान पर नए एयरक्राफ्ट लाए जा रहे हैं तो क्या उनकी इस वकत इतनी आवश्यकता

है ? क्या जो घुराने डकोटा हैं वे अब नहीं चल सकते, या सिर्फ उन डकोटाओं के स्थान पर नए एयरक्राफ्ट लाए जा रहे हैं जो कि काम के नहीं रहे हैं ?

श्री मुहोउद्दीन : हमारे यहाँ इस वक्त ५८ डकोटा हैं जो काम में आ रहे हैं। यह सही नहीं है कि वह काम में नहीं आ सकते। वह काम में आ सकते हैं और इस्तेमाल हो रहे हैं, लेकिन हमको चाहिए था कि नए एयरक्राफ्ट बदलने की जरूरत इसलिये भी महसूस हो रही है कि मुसाफिर बाइकाउण्ट में सफर करने के बाद यही स्वादिष्ट करते हैं कि बेहतर एयरक्राफ्ट लानो ताकि सफर में सहूलियतें ज्यादा हों। इसके अलावा कुछ मुकामात पर, जैसे आसाम बंगरह में, यह महसूस किया जा रहा है कि ज्यादा ऊँचाई तक जाने वाले एयरक्राफ्ट इस्तेमाल किये जायें।

सेठ गोविन्द दास : मैं यह जानना चाहता हूँ कि वैदेशिक मुद्रा की जब इतनी कठिनाई हो रही है तो क्या यात्रियों की इस इच्छा को कुछ दिनों तक और नहीं रोका जा सकता ?

श्री मुहोउद्दीन : डकोटा तो बहुत मुहत तक इस्तेमाल होते रहेंगे। यह तो सिर्फ पांच ही लरोदे जा रहे हैं।

Shri S. A. Mehdi: What commodities would the Government give in exchange for earning foreign exchange?

Shri Mohiuddin: Exportable commodities like manganese, ferro-manganese, iron ore and other commodities.

Shri Dinesh Singh: The hon. Minister mentioned that a proposal from Lockheed Aircraft Corporation is being considered. Are we to understand that Avros have definitely been given up, or are they also being considered?

Shri Mohiuddin: No Sir. As the hon. Minister stated last time, proposals have been invited from Lockheed and Fokker Friendship so that we could consider all of them together and find out ultimately what is best for our passenger needs. That is the present position.

Shri Amjad Ali: The hon. Minister has stated that five aircraft are going to be purchased to replace the Dakotas. May I know the regions in which they will be utilized?

Shri Mohiuddin: For the time being, IAC propose that out of the five, three or four may be utilized on the Assam sector.

Development of Hindustan Shipyard

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*660. { Shri S. C. Samanta:
Shri Subodh Hansda:
Shri R. C. Majhi:

Will the Minister of Transport and Communications be pleased to state:

(a) whether the sanctioned part of the second phase of development of the Hindustan Shipyard has been completed;

(b) whether the remaining part of the development programme has been approved by the Government; and

(c) if so, whether further work has been started?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). A statement is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 92].

Shri S. C. Samanta: From the statement I find that Government have sanctioned the work of extension of jetty at an estimated cost of Rs. 25 lakhs on the basis of a revised and cheaper design. Is it meant for the overall balanced development of the shipyard? May I know whether by this work the berthing of two ships simultaneously in the jetty would be possible?

Shri Raj Bahadur: After the works are completed it is expected that the capacity of the shipyard would be increased from 2½ vessels per annum to 4 vessels. So far as the reduction in the cost of the jetty is concerned, after due technical examination, and with a view to economising on the expenditure of foreign exchange, it was considered feasible and advisable that this revised allotment should be accepted.

Shri T. B. Vittal Rao: The question of the construction of the dry dock has been deferred. May I know whether it is likely to be taken up now?

Shri Raj Bahadur: The question of dry dock has been considered and taken up from time to time, but, on account of the overall position of foreign exchange difficulty, it has not been possible for the Ministry of Finance to release the necessary foreign exchange for it. Now, as an alternative, we are considering the question of having a floating dock, which may be less expensive and perhaps more manoeuvrable.

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूँ कि ईस्टर्न शिपिंग कारपोरेशन के जो जहाज हैं वह ड्राई डॉक के लिये सिंगपुर क्यों भेजे जाते हैं। जब हमारे यहां फारिन एक्सचेंज की इतनी कठिनाई है तो दूसरे मुल्कों को क्यों रुपया दिया जाता है और अपने देश में ड्राई डॉक का निर्माण क्यों नहीं किया जाता ?

श्री राज बहादुर : मैं इससे इंकार नहीं करता कि ड्राई डॉक की जितनी कैपिटलिटी अपने देश में चाहिये वह नहीं है और यही कारण है कि अपने जहाज बाहर भेजने पड़ते हैं। ड्राई डॉक ठमी बन सकता है जब आवश्यक बन, ही विशेषकर विदेशी मुद्रा हो।

Shri Tagamani: In the statement I find that out of the sanctioned amount, 22 lakhs is for water-supply schemes. We find that the progress has been very slow. May I know when the

water-supply scheme is likely to be completed?

Shri Raj Bahadur : The water-supply scheme was essentially taken up in collaboration with the local State Government. A Joint Water Board had to be established for this purpose which could not be done. That is why there has been some slow progress on this scheme. I hope, now, we shall get over the difficulty.

Shri T. B. Vittal Rao: May I know whether the estimate for the floating dock has been drawn up and what it is and what is the foreign exchange component of it?

Shri Raj Bahadur: The whole proposal is yet in a very preliminary stage of consideration. We are exploring the possibility. Nevertheless there is reason to be optimistic about the final outcome.

Jammu-Srinagar Road

*661. **Shri Harish Chandra Mathur:** Will the Minister of Transport and Communications be pleased to state:

(a) for how many days Jammu-Srinagar Road remained closed during each of the last 4 months;

(b) what are the main causes of the frequent stoppage of the route;

(c) what total amount has been spent by Central Government on roads in the State during each of the last 3 years (i) on original works and (ii) on repairs and maintenance;

(d) whether proper notice is given of the closure of the road; and

(e) what arrangements are made for the tourists who get stranded?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) The road remained closed for 27, 7, 11 and 1 days during the months of July, August, September and October 1959 respectively.

(b) The stoppage was due to occurrence of hill slides and washing away of small bridges and culverts on

account of unprecedented continuous rains and consequent floods;

(c). A statement is laid on the Table of the Lok Sabha. [See Appendix II; annexure No. 93].

(d). Yes; and

(e). Stranded tourists are put in Dak Bungalows and Rest Houses and every facility is given to them.

Shri Harish Chandra Mathur: Has the hon. Minister noted that the bill of repairs is abnormally high? In 1957-58, it appears from the statement that, on original works, they spent Rs. 35 lakhs and on repairs, Rs. 25 lakhs. In 1958-59, on original works they spent Rs. 30 lakhs and on repairs, Rs. 22 lakhs. May I know what is the nature of these repairs and what steps are being taken to see that the roads are so constructed that such repairs are not necessitated?

Shri Raj Bahadur: We are quite conscious of this unfortunate fact that very heavy sums of money have got to be spent on repair work annually. That is essentially because of the nature of the hill formation which is very loose. Apart from that, there has been a good deal of imprudent deforestation and there has been erosion. Because of grazing by goats and sheep, much of the stability of the hill side has been lost. It is a very complex problem. The only answer appears to be either a realignment of the present road at different places or having a very expensive retaining wall constructed to protect against the danger of hill sides. These are the only two alternatives. We are taking recourse to both.

Shri Harish Chandra Mathur: May I know if this question of reckless neglect of forests has been discussed with the State Government and if so, what conclusions they have arrived at?

Shri Raj Bahadur: It has been taken up with the Engineers and the State Government in the past. It is a problem which is rather of a socio-economic type, also because vast numbers of cattle, sheep and goats etc. taken

by the shepherds come every year up and down this road before and after winter and it is in that period that devastation of forest and grass takes place. I do not know whether the State Government too can find a ready answer for this.

Shri Karni Singhji: In view of the rampant corruption in the State P.W.D. and in view of the fact that this is the only communication road between India and Kashmir, may I know, if the Central Government would consider taking over the maintenance of this road?

Mr. Speaker: Order, order. There is a Government there. What is the meaning of making an accusation, in view of heavy corruption amongst the P.W.D. there? Who is here to defend them? No, no. Hon. Members won't add preambles to their questions. they may merely elicit an answer: what has happened; they are not doing it properly; is the Central Government going to take it up or is it going to their help? That is enough.

Shri Mahanty: On a point of order, Sir, the other day when questions were asked about Shri Kairon, and when Shri Kairon was not here to defend himself, when various matters impinging on the authority of the State Legislature came up before this House, those questions were permitted. Whenever such questions are asked, there must be a clear delimitation as to where we stand and where they stand.

Shri Narayanankutty: Menon: That was a question of law and order.

Shri Mahanty: Let me finish. We have a feeling that when certain questions are asked from certain sections, they go unnoticed. Whenever it comes from the Opposition side, immediately, law and technicalities come up.

Mr. Speaker: Very wrong. Order, order. The hon. Member is absolutely uncharitable and unjust. I am trying to distribute the questions. As a matter of fact, I have heard complaints

from the right side that I more often give opportunities to the left.

Some Hon. Members: Yes.

Mr. Speaker: The hon. Member, whenever he gets up, catches my eye. It is very wrong to cast such aspersions. I always notice who is in the House and who comes occasionally. Whenever he comes, he expects that I must immediately take notice of him and give him more opportunities than the others who are keeping this Parliament going day in and day out. That is a kind of expectation which I am not going to allow. Hon. Members must be here. Therefore, this kind of remark so far as the Chair is concerned is improper.

So far as the other aspect about Shri Kairon is concerned, hon. Members ought not to quote me saying 'you did this'. I am not able to remember now under what circumstances supplementaries were allowed. Therefore, as and when an hon. Member feels that I am allowing supplementaries or that the supplementaries are not in order, he must raise it then and there. I cannot give a ruling on a point of order now so far as that is concerned. So far as the supplementary asked now by Shri Karni Singhji is concerned, he ought not to cast an aspersion—and I say this not only to him, but to all sides of the House—on the establishment in a particular Government. It is for that Government and it is for the hon. Members who are there in the State Assembly to take it up. There is nobody to defend them here. As regards Shri Kairon's matter, if he had taken it up then, I would have been in a position to answer why I allowed those questions and why at a particular stage I stopped them.

Shri Raghunath Singh: The last portion of his remark was against the Speaker. It should be withdrawn. It was casting an aspersion on the Speaker and on his impartiality. It should be withdrawn.

Shri Mahanty: I withdraw. I never meant any aspersion. I wanted an objective fact.

Mr. Speaker: The objective fact is wrong. What is the answer?

Shri Karni Singhji: I want to clarify a point, Sir. The hon. Prime Minister had made a reference in a Press Conference about the Srinagar-Leh road, that there was a great deal of waste of public funds. I based this question on that.

Mr. Speaker: Very well; waste is different from corruption.

Shri Harish Chandra Mathur: May I just submit for your information, as a matter of fact, there are 20 officers of the Kashmir Government who are being prosecuted for corruption and the Central Government is making funds available. I think the Central Government has certain information on this subject. They should be able to throw light.

Mr. Speaker: Unless there are public documents by way of judgments which have impeached the character, gone into it and ultimately decided that so many officers have been convicted, making such observations while the case is pending that these officers are being prosecuted and we have to come to the conclusion here that they are all corrupt—there is absolutely nothing to say one way or the other. Remarks, not based upon any judgments which are unimpeachable, ought not to be allowed in this House.

Shri Raj Bahadur: My answer is this. So far as this particular sector of the road is concerned, it is, of course, being maintained by the State Government. The Jammu-Pathankot road is maintained by the C.P.W.D. Obviously, the Roads Wing of the Transport Ministry is a Consulting Organisation. We do not have an executive wing as such for execution of works. Therefore, we have got to give it either to the C.P.W.D. with limited resources or to the State Government. In the case of this road, the Government appears to have been doing good work. May be, there have been certain cases of irregularity.

They are being investigated by the State Government. We should take due note of it in favour of the State Government concerned. So far as this road is concerned, no such case has so far come to our knowledge. We will be alert about. It.

Shri Tangamani: The hon. Minister told us that for forty-five days in three months, it had been closed. Nearly one crore of rupees have been spent on original works in the past three years. May I know whether the Central Government will request the State Government to take up this work instead of allowing this work to private contractors?

Shri Raj Bahadur: As I have just now mentioned, the conditions in the hill sides and the terrain are extremely difficult. There is loose hill side, there is erosion and there is deforestation which contribute to landslides. These are natural factors against which we have got to content, and I am sure with the retaining walls and the realignment of the road being changed or revised, something might be done.

Shri Tangamani: My point is that it is now in the hands of private contractors. It might be given to the State Government.

Shri Raj Bahadur: I think it is for the State Government, but if the hon. Member.....

Mr. Speaker: He only wants information.

Shri Raj Bahadur: The information is that they are given to contractors so far as I know, but I do not think the State Government as such can take it over.

बी० अ० न० तारिक : मैं यह जानना चाहता हूँ कि क्या यह दुस्त है कि बजारत ट्रांसपोर्ट और सेंट्रल पब्लिक वर्क्स डिपार्टमेंट के कुछ इंजीनियर कश्मीर गये थे जब सड़क खराब थी और उन्होंने हकूमत को यह कहा था कि वहाँ पुल बनाने बहुत जरूरी है,

और यह रिपोर्ट आपके पास आई है। वह पुल कब तक बनेंगे ?

شری اے۔ ایم۔ طارق - میں یہ جانتا چاہتا ہوں کہ کہا یہ درست ہے کہ وزارت ٹرانسپورٹ اور سٹریٹ پبلک ورکس ڈیپارٹمنٹ کے کچھ انجینئرز کشمیر گئے تھے جب سڑک خراب تھی اور انہوں نے حکومت کو یہ کہا تھا کہ وہاں پل بنانے بہت ضروری ہیں اور یہ رپورٹ آپ کے پاس آئی ہے۔ یہ پل کب تک بنیں گے ؟

बी राज बहादुर : जो पुल बनने हैं उनके बास्ते एलाटमेंट कर दिये जाते हैं। पुल बनाये जा रहे हैं और जितनी जल्दी काम हो सकता है उतना जल्दी करने की कोशिश की जा रही है। लेकिन कोई खास मुद्दा या तारीख तो किसी पुल के बास्ते बिना नोटिस नहीं बतलाई जा सकती।

बी० अ० न० तारिक : मैं यह बतलाना चाहता हूँ कि सर्दियों के मौसम में कश्मीर की इस सड़क की हालत बारिश और बर्फ की वजह से बहुत खराब रहती है क्योंकि भ्रान्ते-बल मिनिस्टर साहब ने अभी खुद बताया कि वह कच्चे पहाड़ हैं। इसके भ्रान्ता गर्मी के मौसम में सीय हों को बड़ी तकलीफ होती है। इसलिये पुल बनाने के लिये कोई वक्त जरूर तय किया जाये क्योंकि कश्मीर जाने के लिये और कोई रास्ता नहीं है।

شری اے۔ ایم۔ طارق - میں یہ بتلانا چاہتا ہوں کہ سردیوں کے موسم میں کشمیر کی اس سڑک کی حالت بارش اور برف کی وجہ سے بہت خراب رہتی ہے کیونکہ انڈیمیل میسٹر صاحب نے ابھی خود بتلایا کہ وہ کچھ پہاڑ ہیں۔ اس کے علاوہ گرمی کے موسم میں سہاگوں کو بڑی تکلیف ہوتی ہے۔ اس لئے پل

بلانے کے لئے کوئی وقت ضرور ملے
 کوا جائے کہولکے کشمیر جانے کے لئے
 اور کوئی راستہ نہیں ہے -

श्री राज बहादुर : मैंने प्रश्न किया कि जितनी जल्दी हो सकता है वह किया जा रहा है। रहा ट्रैफिक के बारे में, तो उसके बारे में बताया गया है कि पिछले महीने से पहले यानी अक्टूबर में सिर्फ एक दिन ट्रैफिक बन्द रहा। उसके बाद ट्रैफिक बन्द होने की कोई खबर नहीं आई और कोई खास मुश्किल भी नजर नहीं आती।

Shri Harish Chandra Mathur: Is the hon. Minister being in charge of tourism, aware that during these months the tourists were not even informed of the closure of the road in time? Is there some machinery available to see that the tourists are not put to avoidable inconvenience?

Shri Raj Bahadur: Unless the land-slides came all of a sudden, I think the tourists were duly informed. We are always alert about, the tourist department particularly, and steps are taken to avoid whatever inconvenience can be avoided.

श्री रघुनाथ सिंह : इस बात की ग्रहमियत को देखते हुए कि सिर्फ यहीं एक सड़क है जो हिन्दुस्तान का सम्बन्ध कश्मीर से जोड़ती है इस सड़क को इम्बियन हाईवेज में क्यों नहीं शामिल कर लिया जाता ?

श्री राज बहादुर : यह नेशनल हाईवे नं० १ ही नहीं बल्कि नेशनल हाईवे नं० १-ए है।

बड़की-बड़ीनाथ सड़क

*६६२. श्री भक्त बर्षन : क्या परिवहन तथा संचार मंत्री ६ मई, १९५६ के प्रतारकित प्रश्न संख्या ४०६० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) बड़की-हरिद्वार-जोशीमठ-बड़ीनाथ सड़क के विकास में इस बीच क्या प्रगति हुई है ;

(ख) अब तक कितनी राशि निर्यात की गई थी और सड़क के प्रत्येक भाग पर कितना व्यय हुआ ;

(ग) शेष कार्य को सीधे पूरा करने के लिये क्या कार्यवाही की जा रही है ; और

(घ) राज्य सरकार को आठ लाख रुपये के प्रतिरिक्त अनुदान स्वीकृत करने के प्रस्ताव के बारे में क्या प्रगति हुई है ?

परिवहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर) : (क) और (ख) इस सम्बन्ध में एक विवरण सभा पटल पर प्रस्तुत कर दिया गया है। [विशेष परिशिष्ट २, अनुबन्ध संख्या ६४]

(ग) इस काम के करने की जिम्मेदारी उत्तर प्रदेश सरकार की है जो इसे पूरा करने में सतत प्रयत्नशील है।

(घ) प्रदेश सरकार की ओर से हमें अनुदान के और मुद्दाव प्राप्त हुए हैं जिसमें उसने बड़की-हरिद्वार जोशीमठ-बड़ीनाथ मार्ग को सुधारने के लिये भी अनुदान मांगा है इन मुद्दावों पर जल्दी ही निर्णय ले लिया जावेगा।

श्री भक्त बर्षन : इस बड़ी सड़क के सम्बन्ध में, जैसा कि विवरण में दिया गया है, ३३ लाख, ७४ हजार ६० लगभग ६ वर्ष पहले मंजूर किये गये थे और अभी तक कुल ३० लाख रुपये खर्च हुआ। फिर भी मंत्री जी कहते हैं कि उत्तर प्रदेश की सरकार बहुत प्रयत्नशील और सतर्क है। मैं जानना चाहता हूँ कि क्या केन्द्रीय सरकार की ओर से इसके बारे में कोई खास अनुरोध किया जायेगा कि इसे इसी वित्तीय वर्ष में या अधिक से अधिक स पंचवर्षीय योजना में समाप्त कर दिया जाय ?

श्री राज बहादुर : मैंने निवेदन किया कि सन् १९५६ में यह स्वीकृति दी गई कि इन बड़की के सम्बन्ध में मैं इन दो सिद्दाई भाषा

तक अनुदान दे सकेंगे। और तब से इस बकल तक जो समय लगा उसमें कुछ समय निश्चित रूप से वहाँ से एस्टिमेट्स अर्थात् तलमीना बरीरह के आने में लगा कि फिर ठेके बरीरह देने में भी और बनाने में कुछ समय लगा। चूंकि वहाँ घाउण्ड बहुत सक्त है इसलिये वहाँ येर तो लगता ही है। मैं यह नहीं कहता कि वहाँ इतनी हो तेरा से सड़क बनाई जा सकती जितनी को मैदामनों में।

श्री भक्त वर्मान : माननीय मंत्री जी ने 'घ' खण्ड के बारे में बतलाया कि उत्तर प्रदेश को सरकार से कुछ सुझाव भेजे हैं। क्या वे कुल ८ लाख रु० के सम्बन्ध में हैं? मैं यह भी जानना चाहता हूँ कि इसके बारे में जल्दा से जल्दी कब तक फैसला कर लिया जायेगा?

श्री राज बहादुर : हम लोगों ने जो अनुदान फैसली में स्वीकृत किये थे वह ८ लाख रु० के थे। किन्तु उन्होंने उसके बदले में कुछ और प्रस्ताव और सुझाव राज्य सरकार से हमारे पास भेजे गये हैं जिसके बारे में हमको ४६ लाख रु० देने को कहा गया है। वह मैं समझता हूँ कि हम लोग जल्दी स्वीकार कर सकेंगे।

Shri Shankaraiya : May know whether the road will be open throughout the year or only for the season, and if further, bus facilities will be provided?

Shri Raj Bahadur : Throughout the year.

सेठ बोधिन्ध बास : क्या मंत्री जी को यह मालूम है कि जो सड़क अभी बनाई गई है कास कर पीपलकोटी के नजदीक और पीपलकोटी और जोशीमठ के बीच से वह भी इतनी सराब है जिसका ठिकाना नहीं और उसमें जहाँ जहाँ मोड़ आते हैं वहाँ मोड़ तक ठीक नहीं बने हैं और वहाँ किसी तरह की भी भयानक दुर्घटना हो जाने की सम्भावना है? वो सड़क पूरी करने से पहले जो सड़क अब तक बन गई है उसको सुधारने की कोई व्यवस्था हो रही है?

श्री राज बहादुर : सड़क को सुधारने की व्यवस्था का जा रहा है बड़का से लेकर ज़ोशीमठ तक जिसके लिये यह अनुदान दिया जाता है। जितनी सड़क पीपलकोटी और जोशीमठ के बीच में पड़ रही है वह प्रतिशत सन् १९५८ में बन कर चार हुई थी। लेकिन शुरू शुरू में जो सारी सुविधाएँ और सुलाये यात्रियों के लिए और बाहनों के लिए जरूरी होता है वह एक साथ प्राप्त नहीं हो सकती। फिर भी उसे सुधारने का कोशिश हो रहा है।

Shri C. D. Pande : May I know whether Government's attention has been drawn to the fact that the road from Devaprayag up to Joshimath is so narrow that only oneway traffic is allowed and that it takes a long time? May I know whether Government propose to widen it so that two-way traffic may be possible?

Shri Raj Bahadur : My only answer would be that the enormous cost that would be involved in the widening or the doubling the width of the road can best be imagined. We can imagine how much it would cost. Therefore, this one-way traffic system has to be maintained, but we have suggested precautions to have telephones at the various gates so that the incoming and the out-going traffic may be regulated properly.

Theft of Government Files

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*663. { Shri S. M. Banerjee:
Shri Panigrahi:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether some files were stolen from the Office of the Central Water and Power Commission;

(b) if so, whether the person concerned has been arrested; and

(c) the nature of the correspondence contained in those files?

The Deputy Minister of Irrigation and Power (Shri Hatli) : (a) Yes, Sir.

(b) Yes, Sir.

(c) The papers attempted to be stolen comprised of routine circulars, pamphlets and copies of tour notes etc.

Shri S. M. Banerjee: May I know whether this particular gentleman was interrogated, and if so, what statement he gave before the officials?

Shri Hathi: The offender was arrested immediately on the spot. The police were informed and they arrested him on that very day. He was a clerk in Government employ. He has been suspended and police investigation is going on.

Shri S. M. Banerjee: I want to know what statement he gave.

Mr. Speaker: Police investigation is going on.

Shri S. M. Banerjee: He says the file contained certain circulars etc., but I would like to know whether this was a secret file containing some important correspondence. I want to know what was contained in it?

Shri Hathi: There was no secret paper or secret file which was taken possession of from him. I might say that this happened at 7 P.M. on the 26th August. When this man was coming out from the particular room, the farash on duty accosted him. He said he had come to deliver dak to somebody in the Power Wing but the farash asked him: I had closed that room, how could you get in? There was some altercation. There were two night duty peons, one night duty farash, and a motor driver. All of them caught him. Immediately, the Director and the police were informed. Within half an hour everything had happened. There was no confidential no secret file found on his person when he was searched. Only these circular letters and pamphlets, these things, were found on him.

Shri Panigrahi: May I know whether the correspondence related to either the canal waters dispute or

anything regarding Bhakra? Otherwise, what was the necessity for him to steal it?

Shri Hathi: There was nothing secret. It was only routine circulars, pamphlets and other things. His intention might have been different. We cannot guess what intention he had and the things he wanted to carry. It might be, he wanted to take these away, go home and sort out and see if anything of importance could be found, but from him nothing was found at that particular time.

Change in the Course of Yamuna River

*665. **Dr. Ram Subhag Singh:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the course of the river Yamuna is changing near Delhi; and

(b) if so, whether Government propose to control the river?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The course of the river Yamuna is not changing near Delhi; but during the non-monsoon period, the course of the channel has been shifting within the high banks.

(b) Does not arise.

Rajasthan Canal

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*666. { **Shri Ajit Singh Sarhadi:**
 Shri D. C. Sharma:
 Shri Karni Singhji:

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 70 on the 4th August, 1959 and state:

(a) the progress so far made in the construction of the Rajasthan Canal and the time by which it is expected to be completed;

(b) whether any foreign assistance in the matter is being obtained from any sources; and

(c) if so, the extent thereof?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) A statement giving the required information is laid on the Table of the House. [See Appendix II, annexure No. 95.]

(b) No, Sir.

(c) Does not arise.

Shri Ajit Singh Sarhadi: May I know if it will be possible to give any irrigational facilities before the final completion, and if so at what stage and when?

Shri Hathi: Stage 1 we hope to complete by March, 1962.

Shri Ajit Singh Sarhadi: May I know whether it would be possible to give irrigation facilities before the final completion of the first stage, and if so, when?

Shri Hathi: Maybe, some time before the completion, but I cannot say exactly when and what area we could irrigate before that date.

Shri Karni Singhji: May I know whether any decision has been taken with regard to making the canal navigable also, and whether Government have considered the possibility of connecting it to the Kandla port?

Shri Hathi: I mentioned the other day that there is a possibility, and that is still being investigated, but no decision has yet been taken.

Shri Harish Chandra Mathur: Is the hon. Minister aware of the genuine feeling and apprehension that there is no co-ordination being maintained between the digging of the canal on the one hand and the construction of the dam which will make the canal perennial, on the other?

Shri Hathi: I have no such information.

Shri Karni Singhji: May I know whether Government have finally decided to line the Rajasthan canal?

Shri Hathi: The first reach in the Punjab is being lined; for the remain-

ing, they have taken a decision that 13 miles will be lined.

Shri Ajit Singh Sarhadi: May I know whether Government have assessed the area that would be given irrigation facilities before the final completion?

Shri Hathi: That was what I said a little while ago; before the final completion, it may be that they may be able to irrigate by stages, but actually I have not got the alignment, and, therefore, I cannot say that now.

Shri Achar: May I know whether on account of the non-conclusion of talks with Pakistan regarding the canal water dispute, there is any difficulty in the supply of water by the Rajasthan canal?

Shri Hathi: There is no difficulty, so far as this is concerned.

Shri Harish Chandra Mathur: May I know what progress has been made regarding the construction of the dam, and when the work is likely to be taken up?

Shri Hathi: Which dam?

Shri Harish Chandra Mathur: The dam which will make the canal perennial, and from where the water is to flow.

Shri Hathi: This is yet to be taken from the Harike barrage, for the time being.

Shri Harish Chandra Mathur: Will the Harike barrage make it perennial? Are Government not thinking of constructing the Beas dam?

Shri Hathi: Of course, the hon. Member is referring to the Beas dam; but, as regards that, the Punjab Government are investigating and preparing a project report.

Shri Harish Chandra Mathur: Is there any difference of opinion between the Punjab Government and the Rajasthan Government, particularly, regarding the construction of the Beas dam and taking the water

from there for generation of electricity by the Punjab Government?

Shri Hathi: I have no information.

Colliery Siding from Ramagundam to Godavari Khani

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*667. { **Shri T. B. Vittal Rao:**
Shri Tangamani:

Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 2069 on the 2nd September, 1959 and state:

(a) whether the examination of the proposal for the construction of a Colliery Siding from Ramagundam, Central Railway to Godavari Khani, Singareni Collieries Company, has since been concluded;

(b) if not, the reasons for the delay;

(c) when it is likely to be completed; and

(d) when the construction of the siding will actually commence?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) No, Sir. The firm has only recently deposited the survey charges and the final location survey is in progress.

(b) After the survey report is received, the matter will be examined and if the proposal is found feasible, estimate and plans will be prepared and the firm will be asked to deposit their share in full.

(c) and (d). It is not possible at this stage, to forecast any date, in view of the reply to (a) and (b) above.

Shri T. B. Vittal Rao: In view of the fact that this alignment is the same as the Latur-Ramagundam-Nivarnabad alignment, may I know why a final location survey is being ordered now?

Shri S. V. Ramaswamy: I suppose the engineers must have said that the final location survey is necessary, and, therefore, we are following it.

Shri T. B. Vittal Rao: May I know how much the Singareni Collieries Co. has been asked to deposit?

Shri S. V. Ramaswamy: It is estimated at Rs. 34 lakhs; Rs. 10 lakhs will be the share of the railways, and the company will have to deposit Rs. 24 lakhs.

Shri Tangamani: The hon. Deputy Minister says that the estimated cost will be Rs. 34 lakhs. On a previous occasion also, he told us that it would be about Rs. 33 to Rs. 34 lakhs. When the initial proposal has already been made, and the estimate also has been made, may I know why it is difficult to specify the date?

Shri S. V. Ramaswamy: The final location survey has yet to be completed. We must know where exactly to lay the line. The figure of Rs. 34 lakhs which I gave was only a rough estimate.

Shri T. B. Vittal Rao: When was the final location survey ordered, and when is the Railway Administration likely to receive that survey report?

Shri S. V. Ramaswamy: It was ordered only recently, because the firm deposited the survey charges only recently.

Shri Tangamani: Could we have an idea of how long it will take, because on three occasions we have been given the same reply?

Shri S. V. Ramaswamy: All that I can say is that this was discussed in the 1960-61 works programme. As soon as the firm accepts this plan and deposits the amount, we shall take it up without any delay.

Annual Session of Food and Agricultural Organisation

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*668. { **Shri Ajit Singh Sarhadi:**
Shri A. K. Gopalan:
Shri Rameshwar Tanti:

Will the Minister of Food and Agriculture be pleased to state:

(a) the names of the members of the Indian Delegation to the annual

session of the United Nations Food and Agriculture Organisation;

(b) whether the question of establishment of food banks in various countries was discussed; and

(c) if so, the attitude of the Government of India on this question?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) The Indian Delegation to the last session of the Biennial Food and Agriculture Organisation Conference was led by the Minister of Food and Agriculture and other members of the delegation were as under:

1. Maharaja of Patiala.
2. Raja Surendra Singh of Nalagarh, Agricultural Production Adviser.
3. Shri J. V. A. Nehemiah, Extension Commissioner.
4. Dr. R. N. Poduval, Economic and Statistical Adviser.
5. Shri R. H. Chishti, I.A.S., Agricultural Attache to the Indian Embassy in Rome.

(b) and (c). In the course of his statement at the Plenary Session of the Conference giving an account of India's food position the Minister of Food and Agriculture referred to the idea of a World Food Bank. This was not specifically discussed at this Conference.

Shri Ajit Singh Sarhadi: May I know whether the establishment of the Food Bank is being taken into consideration, and what progress has been made in this connection up till now?

The Minister of Food and Agriculture (Shri S. K. Patil): It takes a long time in a world organisation to popularise ideas. That does not mean that ideas should not be given.

Sardar A. S. Saigal: May I know the subjects discussed in the conference, and whether problems pertaining to under-developed countries were

discussed or not, and if so, what they were?

Shri A. M. Thomas: Many subjects were discussed; some of the specific problems which would be of special interest to under-developed countries are: 'Freedom from hunger' campaign, commodity problems, including surpluses, food reserves etc., world seed campaign etc. A subject which is of considerable importance to backward countries was the discussion on the 'Freedom from hunger' campaign, sponsored by the Director-General of the F.A.O.

Shri P. R. Patel: May I know whether delegations were sent by the different farmers' organisations of other countries, and if so, who represented the farmers' organisations of our country?

Shri A. M. Thomas: It was an official delegation. Among the persons who represented the country were the Agricultural Production Adviser and the Extension Commissioner, who are persons who have a lot to do with the practical problems of the farmers.

Shri P. R. Patel: My question was whether in this conference, the farmers' organisations of the different countries were represented, and if so, who represented the farmers' organisations of this country.

Shri A. M. Thomas: No, there was no particular person to represent any farmers' organisation, because there is no well-organised farmers' organisation in the country as yet. Of course, the Maharaja of Patiala is a practical farmer, and he was one of the members of the delegation.

Shri Ajit Singh Sarhadi: May I know what the assessment of the hon. Minister is about the reaction in the surplus countries to the establishment of a Food Bank here, and how far he would be able to succeed?

Shri S. K. Patil: Whether the World Food Bank would be established in the very immediate future or not is

very difficult to say. But, so far as the responsibility of the surplus countries to provide for the deficit countries is concerned, there is acute feeling on that subject. I think there are no two opinions in the F.A.O. on that question.

Shri Braj Raj Singh: Apart from the other All-India organisations of farmers such as the Kisan Sabha, the Kisan Panchayat, the Kisan Sangh and so on, are Government aware that there is a farmers' organisation known as the Bharat Krishak Samaj, of which one of the hon. Ministers of this Ministry is the president, and if so, why no representative of the Bharat Krishak Samaj was even included in the delegation?

Shri S. K. Patil: These are all suggestions for action which we shall consider because it will be very wise to do so. There is nothing wrong in having a representative of the farmers, but there are so many organisations in the country that it becomes difficult for the Government to choose any one of them. But surely I will bear it in mind when in future such selections have to be made.

Smuggling of Wheat and Sugar from Delhi

*669. **Shri Parulekar:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the entire 150-mile border that separates Delhi from U.P. and the Punjab is being used for smuggling wheat and sugar; and

(b) if so, what action Government propose to take to prevent this large-scale smuggling in the area?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). Though it is almost impossible to stop smuggling altogether, it is not considered that there is smuggling on a large scale. The police arrangements on the border for exercising necessary checks are on the whole adequate.

Shri S. M. Bamerjee: The hon. Deputy Minister has made it clear that it is impossible to check smuggling. May I know whether Government will consider the desirability of making Delhi, U.P. and Punjab into one zone for this purpose because the people of all these areas eat wheat?

Shri A. M. Thomas: That is not considered necessary at present.

Shri C. D. Pande: May I know whether the attention of the Government has been drawn to the fact that as far as sugar is concerned, it is supplied from that part of the country where sugar is being smuggled to? If so, is it due to defective distribution arrangements that this is happening? Or is it due to any other motive that people are smuggling sugar from here to the place where it is produced? Either the defect in distribution, if there is any, should be removed or the price should be made uniform.

Shri A. M. Thomas: In the first place, no smuggling of sugar from Delhi to U.P. has been reported so far. But I may say with regard to distribution that in Delhi it is being done under our direct control and supervision. The distribution arrangement is quite satisfactory. With regard to U.P., we have allotted 25,000 tons per month to that State, out of which 10,000 tons are distributed through their co-operative federation and the rest through licensees who have been nominated by the District Magistrates. It is for the various State Governments to improve the distribution machinery to the best extent possible.

Shri C. D. Pande: Do Government know that there is a difference of Annas 4 per seer in the price of sugar here and in Ghaziabad?

Shri Braj Raj Singh: They refuse to know.

Shri A. M. Thomas: It may be that there is such a difference.

Shri P. R. Patel: In view of the smuggling that is going on, may I know whether Government propose to

have one zone for the whole country and uniform prices throughout the country so far as sugar and food-grains are concerned?

Shri A. M. Thomas: When we have adequate supplies, we will certainly consider that. My senior colleague has expressed more than once that that is our ultimate aim or object.

Shri P. S. Daulta: Is it a fact that on the U.P. side of the Jumna, wheat is sold at Rs. 3 per maund higher than the price at which it is sold by the Punjab peasant on this side of the Jumna? If so, is this not the basic cause of smuggling?

Shri A. M. Thomas: I do not think there is so much of difference I have got the quotations here. Delhi is within the Punjab zone. Punjab, of course, is a surplus area and wheat is being sold at the rate of Rs. 13 to Rs. 16 per maund, but in U.P. the rate varies between Rs. 16 to Rs. 13 per maund or something like that according to quality and locality. But there is not such a difference, as has been mentioned by the hon. Member.

Production of Small Turbines

*670. **Pandit J. P. Jyotishi:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that designs of small turbines to produce small quantities of electricity had been sent to some Ordnance Factory for examination;

(b) the result of the examination;

(c) whether the construction of model turbine has been undertaken; and

(d) by what time the country can expect to have indigenous turbines for the generation of electricity from small rivers and streams?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) They are still under examination.

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(c) Designs of a small water turbine capable of developing 3 to 6 KW of power have been evolved for test purposes only.

(d) It is not possible to give any idea till the results of the tests are available.

Pandit J. P. Jyotishi: Looking to the necessity for the industrial progress of the country, will Government consider enhancing the production of turbines in the country?

Shri Hathi: It is exactly with that idea that we have thought of producing such small sets which could generate power in out-of-the-way places from small streams, falls etc.

Shri Vidya Charan Shukla: Which is the ordnance factory which has the necessary technical knowledge available to advise the Ministry of Irrigation and Power about these turbines?

Shri Hathi: Actually, the designs etc. have been prepared by the Central Water and Power Commission. But these things are manufactured in the factories.

सेठ गोबिन्द दास : क्या इन जांच के सम्बन्ध में कि कितने किन आईनेम्स फैक्टरियों में यह काम हो रहा है, खमरिया फैक्टरी जबलपुर में या कोई जांच हो रही है और क्या उनका भी कोई रिपोर्ट इस सम्बन्ध में आ गई है ?

श्री हाथी : हमने तो इंस्ट्रक्टर जनरल, आईनेम्स फैक्टरीज का भेजा है, शायद उन्होंने जबलपुर में भी भेजा होगा ।

Pandit J. P. Jyotishi: Has any amount been allocated for the purpose of construction of these turbines?

Shri Hathi: Manufacturing is being done by the ordnance factories.

Shri Jadhav: May I know whether any private concern from Baroda is manufacturing such turbines?

Shri Hathi: Yes. Messrs. Jyoti Limited are doing it at Baroda.

Machkund Project

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*671. { Shri Panigrahi:
Shri Madhusudan Rao:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that there was some disagreement between Andhra Pradesh and Orissa regarding raising of Jalaputti Dam (Machkund Project);

(b) whether the Central Water and Power Commission have been consulted on that issue; and

(c) if so, what decision the Commission have taken thereon?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) Yes, Sir.

(c) The Central Water and Power Commission have recommended an increase in the FRL of Jalaput Dam by 10 ft.

Shri Panigrahi: May I know what were the points of disagreement between the two State Governments and how they have been reconciled?

Shri Hathi: The points of disagreement were, in a way, technical. They related to the question of silting, as to what quantity of silt would be there in the reservoir after ten years or so. This was the main point of disagreement.

Shri Panigrahi: May I know what additional quantity of electricity is estimated to be generated as a result of raising this dam, and how it is going to be divided between the two State Governments?

Shri Hathi: The additional power that would be generated is calculated at about 63,750 kw. The total would be 1,14,000 kw. We have not yet allocated the financial responsibility of the power sharing.

Shri Heda: The latter part of the question was not answered.

Shri Hathi: We have not yet decided about that.

Shri Viswanatha Reddy: May know whether the advice of the Central Water and Power Commission has been accepted by the Governments concerned?

Shri Hathi: We have not heard from them yet.

Shri P. K. Dee: How many more villages would be submerged by raising the level of the Jalaput Dam?

Shri Hathi: As regards the additional area that would be submerged, I have not got the figures with me.

Shri Heda: What would be the basis for the division of the additional electricity that would be generated? Would it be in terms of requirements or deficit in power?

Shri Hathi: All factors will be considered. The State Governments will be consulted and then a final decision taken. It will not be arbitrary.

Shri Panigrahi: May I know whether the Minister is aware that the Government of Orissa has not been in a position to utilise the 30 per cent. of electricity which has been given to the State from the Machkund project? Has the State Government represented to the Union Government about its inability to take electricity from this and utilise it? If so, what help are the Central Government going to give to the Orissa Government?

Shri Hathi: Perhaps they have not been able to lay the transmission lines. That is the difficulty. For that, the Central Government will give them assistance.

Shri Surendranath Dwivedy: Is not a fact that the difficulty in getting transmission lines was due to the non-availability of foreign exchange? Has the Government solved that problem?

Shri Hathi: Maybe that is one of the difficulties. But whatever the Central Government could do, we will do.

Shri Surendranath Dwivedy: This has been there for so many years.

Shri Supakar: This foreign exchange difficulty facing the Government of Orissa has been there for the last several years and the Government of India are not helpful in this respect for the last several years. Do Government propose to take any action in this regard?

Shri Hathi: As hon. Members know, the foreign exchange difficulty came up last year or two years ago. This project has been ready for, I think, three or four years. The foreign exchange difficulty has been a recent difficulty.

Post Office Savings Accounts of Gram Panchayats

*672. **Shri Kumbhar:** Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the Sarpanchas of various Gram Panchayats in Orissa State deposited thousands of rupees of the village development schemes funds received from the Government and public at a time in the Postal Savings Bank Account and cannot withdraw more than one thousand rupees at a time per month from their postal savings for payment of executed works; and

(b) whether suitable arrangements for withdrawal have now been evolved?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) I have no information about the opening and closing of accounts. But according to the Post Office Savings Bank Rules withdrawals from Public accounts are limited to Rs. 1,000 in a calendar month.

(b) The rules already provide that withdrawals exceeding Rs. 1,000 may be made on giving one month's prior notice of intention to withdraw. The Heads of Circles may in their discretion allow withdrawals exceeding Rs. 1000 without insisting on one month's notice and they exercise this

power liberally. The proposal to bring this rule in line with the rule applicable to ordinary accounts viz. reduction in the period of notice to one week is also under consideration.

Shri Supakar: These are public accounts and the Government is very liberal in the case of deposits. Why is it not so liberal and is rather restrictive in the case of withdrawal from the public accounts.

Dr. P. Subbarayan: This has got to be carefully examined. Much depends upon the amount of money a post office savings bank can have at one particular time.

Shri Kumbhar: May I know whether it is not the responsibility of the postal department to help the village development schemes by changing the old code or the rules and regulations of the postal department for withdrawal from panchayat postal savings any amount at any time for payment of the executed works?

Dr. P. Subbarayan: As I said, it depends upon the security arrangements. We cannot have more money than can be possibly safeguarded.

WRITTEN ANSWERS TO QUESTIONS

निजी बन एक्ट, हिमाचल प्रदेश

*६६४. श्री पद्म देव: क्या कानून

तथा कृषि मंत्री यह बताने की कृपा करेंगे कि

(क) क्या यह सच है कि निजी बन एक्ट के विरुद्ध हिमाचल प्रदेश के बन विभाग ने निजी बनों में वृक्ष काटने का अनुमति दे दी है;

(ख) क्या यह भी सच है कि यह अनुमति अधिकतर बड़े-बड़े जमींदारों को दी गई है; और

(ग) यदि हाँ, तो इस के क्या कारण हैं?

कृषि उपमंत्री (श्री मो० बं० कृष्णप्पा):

(क) से (ग) आवश्यक जानकारी प्राप्त की जा रही है और यथा समय समा की डेबिल पर रस दी जायेगी।

Kalinga Airlines

*673. **Shrimati Renu Chakravarty:** Will the Minister of Transport and Communications be pleased to state:

(a) whether hangar charges and aerodrome landing charges for the last one year have been outstanding to Director-General of Civil Aviation by Kalinga Airlines; and

(b) the reasons for granting this facility?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) Certain dues on account of hangar, water and electric charges are outstanding against Kalinga Airlines.

(b) Action has been initiated against this Airline under Public Premises (Eviction of Unauthorised Occupants) Act, 1958, on account of non-payment of the charges.

New Penicillin

*674. **Shri Rameshwar Tantia:** Will the Minister of Health be pleased to state:

(a) whether Government is aware of the recent discovery of new penicillin in Britain, which is more effective than earlier ones; and

(b) if so, what steps are being taken to produce this new penicillin also in our country or to make it available in Indian market?

The Minister of Health (Shri Kar-markar): (a) Government have come across reports in the press regarding the discovery of a new type of Penicillin in the U.K. which is claimed to be more effective when given orally than the types of penicillin known so far.

(b) Full details such as chemical composition, standards, clinical reports, toxicity etc. are not known at present. To the best of our knowledge this item is not available for general use in other countries. The question of making available the supplies of this new penicillin in this country

will be considered when full particulars regarding it are known.

Medical Colleges in Himachal Pradesh

*675. { **Shri Nek Ram Negi:**
Shri Inder J. Malhotra:

Will the Minister of Health be pleased to state:

(a) whether the Himachal Pradesh Administration has taken any practical steps towards opening of Medical Colleges in Himachal Pradesh;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

The Minister of Health (Shri Kar-markar): (a) No, Sir.

(b) Does not arise.

(c) In view of the fact that (1) 17 seats were allotted to students belonging to Himachal Pradesh in the various medical colleges for the academic year 1959-60 and (2) 6 additional seats are being reserved for students belonging to that territory next year, there is no need to open any medical college in Himachal Pradesh.

Police Van-Train Collision

*676. { **Shrimati Masida Ahmed:**
Shri P. G. Deb:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that a police van was knocked down by a goods train when the van was crossing the Railway Line between Jagraon and Jitwal Railway Stations, about 24 miles from Ludhiana on the 16th November, 1959;

(b) the number of persons killed and injured; and

(c) whether the cause of the accident has been ascertained?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes but it was near Ajitwal station.

(b) One was killed and sixteen injured.

(c) The cause of the accident is under investigation.

Detention of Godavari Valley Express

*677. { Shri Jadhav:
Shri B. C. Mullick:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1519 on the 28th March, 1959 and state:

(a) whether any action has since been taken against the person responsible for the detention of Godavari Valley Express on the 27th January, 1959; and

(b) if so, what is the nature of the action taken?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) No. As the identity of the person who pulled the alarm chain causing detention to train No. 552 Up Godavari Valley Express on 27-1-1959 could not be established.

(b) Does not arise.

Thermal Station at Cambay

*678. Shri P. R. Patel: Will the Minister of Irrigation and Power be pleased to state:

(a) the present requirements of K.W. electricity, and K.W. electricity supplied in Gujarat;

(b) whether any proposal to install a thermal station at Cambay has been submitted by the Bombay Government;

(c) whether the Central Government has considered the proposal; and

(d) when the thermal station at Cambay will be installed?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The present firm capacity of power available in Gujarat is 1,72,000 K.W. as

against an estimated load of 1,67,000 K.W.

(b) to (d). The detailed Project Report was received by the Central Water and Power Commission on 3-12-1959. It may take about three years for the power station to be commissioned after this Project Report has been examined and approved by the Central Government.

Stabbing in Train near Itarsi

*679. { Shri B. C. Mullick:
Shrimati Mafida Ahmed:
Shri S. A. Mehdi:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that two passengers were robbed and one of them as well as the guard of the train stabbed in a running Bombay-bound Punjab Mail near Itarsi Junction on the 20th November, night;

(b) if so, the details thereof; and

(c) whether the culprits have been arrested?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Yes, Sir.

(b) and (c). On the night of 20-11-1959, six dacoits boarded a 3rd class compartment of 6 Up Punjab Mail at Hoshangabad. While on the run they robbed two passengers of their belongings and cash at the point of knife and then pulled the alarm chain and got down as the train came to a halt between Powerkheda and Itarsi stations.

The guard of the train got down to look into the matter when the miscreants asked him to hand over the keys of the brake van and to detain the train for some time. Upon the guard's refusal to do so the dacoits caused several knife injuries to his person and robbed him of cash Rs. 100 and a wrist watch.

Among the articles looted were a lady's wrist watch, a gent's wrist

watch, a pen, two suits, two shirts and cash amounting to Rs. 800.

Three persons have been arrested by the Government Railway Police, Itarsi from whom some of the stolen articles were recovered. A blood-stained dagger was also seized from one of them. Further investigation is in progress.

Train Accident Averted

*680. Shri S. A. Mehdi: Will the Minister of Railways be pleased to state:

(a) whether a serious railway accident was averted near Khairabari Railway Station on the North Eastern Railway due to the assistance of three pedestrians?

(b) if so, the details thereof; and

(c) the reward, if any, given to the pedestrians?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). On 15-11-1959 at about 00.25 hours four persons informed Station Master, Tangla about the removal of fish plates and bolts from the Railway track between Tangla and Udalguri stations on the Rangiya-Tezpur Branch of Northeast Frontier Railway. Immediately, the track was inspected by the railway officials and the defect was put right by 03.50 hours on the same date and through running of trains restored. The matter is under investigation by the Police authorities.

(c) Grant of reward, if any, will be considered on receipt of Police Report.

Bridge on the Brahmaputra at Pandu

*681. { Shri P. C. Borooah:
Shrimati MaSda Ahmed:

Will the Minister of Railways be pleased to refer to the reply given

to Unstarred Question No. 767 on the 24th February, 1959 and state:

(a) the progress made so far in constructing the bridge on the Brahmaputra river at Pandu in Assam;

(b) the amount spent so far; and

(c) when it is likely to be completed?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Of the 11 main piers of the Bridge, 2 are nearing completion. The Amingaon side shore pier is also almost complete. Well sinking work on 5 main piers is in progress and is expected to be completed by the end of this working season. Work on approach banks to the Bridge on both Amingaon and Pandu sides is progressing satisfactorily. Tenders for the girders have also been accepted.

(b) Rs. 186.39 lakhs to end of November, 1959.

(c) In 1962.

Detention of Train by Students

*682. Shri Vidya Charan Shukla: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that about 50 students held up the Bombay Pathankot Express at Subzimandi Railway Station on Friday, the 20th November, 1959, by repeatedly pulling the alarm chain; and

(b) if so, what action has been taken against the defaulting students for misusing the alarm chain and creating rowdyism on the railway station?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes, by pulling alarm chain apparatus twice from two carriages.

(b) The train was stopped in Subzimandi Yard after it had left the station and no student could be apprehended. There was no rowdyism at the station.

Ganga Barrage

- *683. { Shri Ram Krishan Gupta:
Shri S. M. Banerjee:
Shri Panigrahi:
Shri Vidya Charan Shukla:
Shri Halder:

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Unstarred Question No. 637 on the 12th August, 1959 and state whether the Ganga Barrage scheme has since been finalised.

The Deputy Minister of Irrigation and Power (Shri Hathi): The Ganga Barrage Scheme has not yet been finalised.

Output of B.C.G. Vaccine and Tuberculin

- *684. { Shri Subodh Hansda:
Shri S. C. Samanta:
Shri R. C. Majhi:

Will the Minister of Health be pleased to state:

(a) the total annual output of B.C.G. Vaccine and Tuberculin in our country;

(b) whether this is more than sufficient to meet our country's requirement;

(c) whether this is exported to other countries; and

(d) if so, the names of the countries to which it is exported?

The Minister of Health (Shri Kar-markar): (a) The total annual output of B.C.G. Vaccine and Tuberculin is approximately 2,600,000 cc. and 4,500,000 cc. respectively.

(b) Yes.

(c) Yes.

(d) B.C.G. vaccine and Tuberculin are exported to:

Afghanistan.

Burma.

Ceylon.

Malaya.

Singapore.

Pakistan.

Mob Attacks on Railways

- *685. { Shri Harish Chandra Mathur:
Shri Shree Narayan Das:
Shri Ram Krishan Gupta:
Shri Ajit Singh Sarbadi:
Sardar Iqbal Singh:
Shri Radha Eaman:

Will the Minister of Railways be pleased to state:

(a) how many cases of mob attack on railwaymen and railway property have taken place during the last six months;

(b) whether a statement of the nature of these attacks and action taken would be laid on the Table; and

(c) what action if any, has been taken to deal with such cases?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) 61.

(b) A statement is laid on the Table of the House. [See Appendix II, annexure No. 86.]

(c) The following action is taken to deal with cases of mob attack on railway property and railwaymen:—

1. Majority of the mob attacks was the outcome of students hooliganism. In this connection, the Ministry of Railways have issued instructions to Railways to request the authorities of the educational institutions concerned to ensure that the students behave in a disciplined manner and to advise them that certain concessions extended to them by Railways will have to be withdrawn otherwise;
2. Such incidents are specially brought to the notice of the State Governments request-

ing them to ensure that the law and order position within the Railway administration is not adversely affected by mob attacks demonstrations etc.

3. Railway Protection Force supplementing the police where necessary both in patrolling the affected area and exercising a close watch on unsocial elements and bad characters operating on railways.

4. The Railway Protection Force Staff are detailed to assist Ticket Checking staff as and when needed.

नई दिल्ली में सड़कों को चौड़ा करना

*६८६. { श्री भक्त वशंत :
श्री नवल प्रभाकर :
श्री राम कृष्ण गुप्त :
श्री मुहम्मद इलियास :

का स्वास्थ्य मंत्री १० सितम्बर, १९५९ के तत्कालीन प्रश्न संख्या १३५५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) नई दिल्ली नगर पालिका का सड़कों को चौड़ा करने का कार्यक्रम कहाँ तक आगे बढ़ा है ;

(ख) अब तक कौन-कौन सी सड़कें चौड़ी की जा चुकी हैं ;

(ग) भविष्य में अन्य किन सड़कों को चौड़ा करने का विचार है ; और

(घ) शेर कांठ को शीघ्र सिर्जिध पूरा करने के उद्देश्य से कौन से विशेष कदम उठाये जा रहे हैं ?

स्वास्थ्य मंत्री (श्री कजरकर) :

(क) और (ख) नई दिल्ली नगरपालिका ने लेडी हार्डिंग रोड को उसके जंक्शन कनाट प्लेस से गोल मार्केट तक चौड़ा कर दिया है। सिकन्दरा रोड और पेक्का रोड को चौड़ा करने का काम प्रगति पर है।

(ग) अब नई दिल्ली नगरपालिका का बेजेजती रोड, कार्नवालिस रोड और सरदारजंग हवाई अड्डे से रेलवे कनिंग स्क्वायर रोड को चौड़ा करने का विचार है।

(घ) सम्भवतः यह प्रसंग सिकन्दरा रोड को चौड़ा करने के बारे में है। इस सड़क को चौड़ा करने का काम नई दिल्ली नगरपालिका ने अप्रैल १९५९ में शुरू किया था लेकिन खुदाई करते समय यह पता चला कि इसके नीचे बिजली के फीडर केबल्स दबे हुए हैं। इन तारों को हटाने का काम बर्षा ऋतु के कारण पहले नहीं किया जा सका लेकिन अब उसे शुरू कर दिया गया है। इस सड़क को चौड़ा करने के शेर कांठ को शीघ्र सिर्जिध पूरा करने के लिए सभी सम्भव प्रयत्न किये जा रहे हैं।

Mata Tila Power Project

*687. { Shri S. M. Banerjee:
Shri Panigrahi:
Shri M. L. Dwivedi:
Pandit D. N. Tiwary:

Will the Minister of Irrigation and Power be pleased to refer to the answer given to Starred Question No. 653 on the 21st August, 1959 and state whether any further progress has been made regarding construction of Mata Tila Power Project near Jhansi?

The Deputy Minister of Irrigation and Power (Shri Hathi): The Mata Tila Hydel Project is being revised by the Government of Uttar Pradesh.

Alarm-Chain Pulling on Railways

*688. Shri D. C. Sharma: Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 230 on the 7th August, 1959 and state:

(a) whether there has been any improvement in respect of the incidence of alarm-chain pulling on Indian Railways since the enforcement of the Indian Railways (Amendment) Act, 1959; and

(b) if so, the extent thereof during the first six months where the amended Act has been in force as compared to the corresponding period before the amended Act became effective?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). There has not been an appreciable improvement, the number of cases of unauthorised alarm chain pulling in the six months May to October, 1959 having been 23542 against 23681 in the corresponding months of the previous year.

Booking between Palleza Ghat and Mahendru Ghat

*689. **Pandit D. N. Tiwari:** Will the Minister of Railways be pleased to refer to the reply given to Half-an-Hour discussion on the 31st March, 1959 and state:

(a) whether any decision has since been taken on the question of Ghat to Ghat booking specially between Pleza Ghat and Mahendru Ghat; and

(b) if so, the nature thereof?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes.

(b) The existing arrangement will continue for the present.

Interim General Plan of Delhi

*690. { **Shri A. K. Gopalan:**
Shrimati Parvathi Krishnan:

Will the minister of Health be pleased to state:

(a) whether any changes were made in the Interim General Plan of Delhi; and

(b) if so, the basis on which these changes have been made?

The Minister of Health (Shri Kar-markar): (a) Yes, Sir.

(b) A statement showing the changes and the basis thereof is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 87].

Konar Dam (D.V.C.)

*691. **Shri Madhusudan Rao:** Will the Minister of Irrigation and Power be pleased to refer to the reply given to Unstarred Question No. 114 on the 4th August, 1959 and state:

(a) whether arbitration proceedings in the case of overpayment to M/s Hind Patel and Co. for works done at Konar Dam have been completed; and

(b) if so, what has the Government decided in the matter?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir.

(b) Does not arise.

Supply of Foodgrains in Himachal Pradesh

*692. { **Shri Nek Ram Negi:**
Shri Inder J. Malhotra:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have taken steps to provide on subsidised rates foodgrains to Himachal Pradesh;

(b) if not, the reasons therefor; and

(c) whether Government would take any steps towards this direction?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Yes, Sir. Foodgrains at subsidised rates are being distributed in the remote and deficit areas of Himachal Pradesh.

(b) and (c). Do not arise.

Transport of Road Material to Steel Plants

*693. **Shri Panigrahi:** Will the Minister of Railways be pleased to state:

(a) whether sufficient railway transport facilities have been provided to transport the raw materials?

Bhilai, Rourkela and Durgapur Steel Plants; and

(b) if not, the reasons therefor?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes.

(b) Does not arise.

Gandak Project

*694. { Pandit D. N. Tiwary:
Shri M. L. Dwivedi:
Shri Ram Krishan Gupta:
Shri Padam Dev:
Shri Ajit Singh Sarhadi:
Shri Bibhuti Mishra:
Shri Jhulan Sinha:
Shri Shree Narayan Das:
Shri Prakash Vir Shastri:
Pandit J. P. Jyotishi:
Shri S. A. Mehdi:
Shri Bishwanath Roy:
Dr. Ram Subhag Singh:
Shri P. C. Borooah:

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 69 on the 4th August, 1959 and state:

(a) whether the agreement on Gandak project has since been finalised with the Nepal Government; and

(b) if so, when the work on the project will begin?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir. A copy of the agreement signed on the 4th December, 1959 will be placed on the Table of the House after an authenticated copy is received from our Ambassador in Nepal.

(b) Work will begin after the project is approved by the Technical Advisory Committee and funds have been provided by the Planning Commission.

Licence fee on cheap radio sets

*695. { Shri Ram Krishan Gupta:
Shri Bhakti Darshan:
Shri D. C. Sharma:
Shri Ajit Singh Sarhadi:

Will the Minister of Transport and Communications be pleased to refer

to the reply given to Starred Question No. 633 on the 21st August, 1959 and state:

(a) whether Government have considered the proposal for reduction of licence fee on cheap radio sets; and

(b) if so, the result thereof?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) and (b). The proposal is still under consideration and is being finalised in consultation with the Ministry of Information and Broadcasting.

Lighthouse Workshop, Calcutta

*696. { Shri Subodh Hansda:
Shri S. C. Samanta:
Shri R. C. Majhi:

Will the Minister of Transport and Communications be pleased to state:

(a) whether construction of the new Lighthouse Workshop at Calcutta has made any progress;

(b) when this is expected to be completed; and

(c) the total amount spent for the construction of this workshop?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes, Sir. Nearly 50 per cent of the civil engineering works have been completed and some tools, plant and machinery have also been purchased.

(b) By March 1960.

(c) Rs. 1,44,000 (approximately) so far.

Electrification of Stations on Northern Railway

1066. Shri Ram Krishan Gupta: Will the Minister of Railways be pleased to state the progress made so far in the electrification of Railway Stations between Rewari-Bhatinda and Rewari-Loharu sections of the Northern Railway?

The Deputy Minister of Railways (Shri Shah Nawas Khan): A statement is laid on the Table. [See Appendix II, annexure No. 98.]

Export of Wheat from Madhya Pradesh

1967. Shri Pangarkar: Will the Minister of Food and Agriculture be pleased to state:

(a) the actual quantity of wheat exported up till now from Madhya Pradesh from 1st October, 1959; and

(b) the names of States and quantity exported to each State?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): a) 14,500 tons of wheat from 1-10-1959 to 30-11-1959.

(b) Bombay.

Ayurvedic and Unani Text Books

1968. Shri Kalika Singh: Will the Minister of Health be pleased to state:

(a) whether Government have any scheme to publish critical editions of Standard Ayurvedic and Unani Medical Books;

(b) what steps have Government adopted so far to examine the usefulness of ancient Ayurvedic and Unani texts to the Students and practitioners of Medical profession;

(c) whether Government have any scheme to manufacture drugs on the basis of Ayurvedic and Unani texts by modern process; and

(d) if so, how and where are they being implemented?

The Minister of Health (Shri Karmarkar): (a) There is no such schema with the Government of India. Government of India have however been sanctioning grants for the publication of critical editions of certain Standard Ayurvedic Medical Books;

(b) The various Committees appointed by the Government of India recommended the establishment of

Chairs of Indian Medicine in Colleges of Modern Medicine. This fact was communicated to the State Governments and they were informed that the Government of India were prepared to grant financial assistance for creation of such Chairs. The response was very poor. A grant of Rs. 7200- was given to the Government of Madras in September, 1957, for the establishment of a Chair of History of Medicine at the College of Integrated Medicine, Madras. The State Government have reported that the work is still in progress and will take some time before it is completed.

The Udupa Committee which was recently appointed by this Ministry to assess and evaluate the present status of Ayurvedic Medicine has also inter alia recommended the establishment of Chairs of Indian Medicine in modern colleges along with an Ayurvedic ward in teaching hospitals attached to such institutions. The recommendations of the Committee are under consideration of Government.

The training course at the Post-Graduate Training Centre in Ayurveda at Jamnagar is open for modern medical graduates also.

(c) The Government of India have no such scheme.

(d) Does not arise.

Akbarpur Tanda Rail Link

1969. Shri Kalika Singh: Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 779 on the 25th August, 1959 regarding the restoration of Akbarpur Tanda Railway line on the Northern Railway and state:

(a) whether any decision has since been taken in the matter.

(b) if not, the reasons for the delay; and

(c) by what time Government propose to restore the line?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) No, Sir.

(b) and (c). The original estimate for restoration had to be revised according to the present day costs. This revision and the resulting financial implications have not yet been finalized. As soon as this is done further steps will be taken.

Sinking of Cargo vessels near Saurashtra

1070. Shrimati Mafida Ahmed: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that four cargo vessels sank off the Saurashtra Coast during October, 1959;

(b) if so, whether the reasons for the accident have been ascertained; and

(c) the estimated loss involved?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) It is reported that 36 sailing vessels have met with casualty in the Saurashtra and Kutch sea area during October, 1959.

(b) The accidents were due to cyclone.

(c) Preliminary inquiries into the casualties are being conducted by the investigating officers at the respective ports. It is, therefore, not possible to furnish information in this respect at this stage.

Construction of Brahmaputra Bridge

1071. Shrimati Mafida Ahmed: Will the Minister of Railways be pleased to state the number of skilled, semi-skilled and non-skilled workers appointed directly by Government and through contractors for Brahmaputra Bridge construction separately?

The Deputy Minister of Railways (Shri Shahnawas Khan):

Number of workers

	Skilled.	Semi-skilled.	Un-skilled.
Appointed directly by the Government .	183	37	814
Recruited through contractors .	125	250	523

Development of Fisheries in Punjab

1072. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) the amount allotted to Punjab State during the First Five Year Plan towards the development of fisheries;

(b) the amount of money actually spent during that period in Punjab for this purpose;

(c) the amount of money allotted to Punjab so far during the Second Five Year Plan period;

(d) the amount of money spent so far; and

(e) the steps taken for improving the existing fishing methods, bringing under fish culture areas of water at present lying fallow, introduction of improved methods of scientific fish farming and training of personnel?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Rupees 2.4 lakhs (including PEPSU).

(b) Rupees 2.3 lakhs (including PEPSU).

(c) Rupees 8.76 lakhs upto 1959-60.

(d) Rupees 1.96 lakhs has been spent upto the year 1958-59. The budget estimate for 1959-60 is Rs. 2.56 lakhs.

(e) The following schemes have been included in the Second Plan:

- (1) Stocking with fish a large number of impounded waters.
- (2) Setting up of a Cold Storage Plant.
- (3) Distribution of interest free loans to Fisheries Co-operative Societies.
- (4) Pisciculture in Bhakra Dam Lake.
- (5) Stocking of Chandigarh Lake with fish.
- (6) Setting up of a separate Fisheries Section in the State Government.

Animal Husbandry and Milk Supply Schemes in Punjab

1073. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) the amount allotted to Punjab during the First Five Year Plan for carrying out programmes of animal husbandry and milk supply in the State;

(b) the amount of money actually spent;

(c) the amount of money which was allotted to Punjab during the Second Plan period so far for this purpose;

(d) the amount of money spent so far; and

(e) whether loans were advanced to co-operative societies in Punjab for the purchase of milk cattle?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Rs. 3.89 lakhs;

(b) Rs. 8.17 lakhs.

(c) A grant of Rs. 68.87 lakhs and a loan of Rs. 11.30 lakhs were sanctioned to Punjab Government during the first three years of the Second Plan. In 1959-60 central assistance amounting to Rs. 28.28 lakhs as grant

and Rs. 9.54 lakhs as loan has been approved for allotment to the State Government for development of Animal Husbandry including sheep, wool and poultry development, veterinary education and eradication of rinderpest and dairying and milk supply.

(d) Rs. 21.32 lakhs as grant and Rs. 4.51 lakhs as loan up to 1958-59. The figures of actual expenditure for 1959-60 so far have not yet been made available by the State Government.

(e) Information has been called for from the State Government and will be furnished to the Lok Sabha as soon as it is received.

Forest Development in Himachal Pradesh

1074. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state the financial assistance given to Himachal Pradesh for forest development during 1959-60 so far?

The Minister of Agriculture (Dr. P. S. Deshmukh): No financial assistance as such is given to Union Territories as all the expenditure incurred by them is met by the Central Government from funds voted for the purpose by the Parliament. The amount provided for expenditure by the Forest Department, Himachal Pradesh during 1959-60 is Rs. 65.74 lakhs.

Japanese Method of Paddy Cultivation

1075. Shri N. M. Deb: Will the Minister of Food and Agriculture be pleased to state:

(a) the total acreage of land in the country at present cultivated by Japanese method of paddy cultivation; and

(b) the approximate yield per acre by the above method?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) The total area reported to have been benefited by some or all of the components of the Japanese Method of Paddy Cultivation, during the year 1958-59 is approximately 5.6 million acres.

(b) Average yield of paddy per acre from the Japanese Method of Cultivation during 1957-58 was 28.88 mds. Complete information regarding yield per acre for 1958-59 is not yet available.

दिल्ली में आयुर्वेद

१०७६. श्री प्रकाश बीर शास्त्री :

क्या स्वास्थ्य मंत्री यह बताने का कृपा करेंगे कि :

(क) दिल्ली में आयुर्वेदिक प्रणाली को प्रोत्साहन देने के लिये सरकार ने अब तक क्या कार्यवाही की है ; और

(ख) क्या सरकार दिल्ली में या अन्यत्र आयुर्वेद विश्वविद्यालय खोलने पर विचार कर रही है ?

स्वास्थ्य मंत्री (श्री करमरकर) :

(क) जहाँ तक आयुर्वेदिक शिक्षा का संबंध है दिल्ली में केवल एक संस्था है जिसका नाम आयुर्वेदिक एवं यूनानी तिब्बती कालेज है। अब यह संस्था चार कमिश्नर द्वारा नियुक्त एक प्रशासकीय बोर्ड के अधीन है। इस संस्था के प्रशिक्षण-प्राप्त्यक्रम को हाल ही में उन्नत किया गया है। इसमें प्रविष्ट होने के लिए न्यूनतम योग्यता अब इंटरमीडिएट है।

दिल्ली नगर निगम के अधीन १८ आयुर्वेदिक प्रौद्योगिकी हैं। इन प्रौद्योगिकीयों में से एक प्रौद्योगिकी में जो बर्लिन-मारन में है एक अन्तरंग अस्पताल भी है। ज्ञात हुआ है कि नगर निगम का और अधिक आयुर्वेदिक प्रौद्योगिकी तथा एक बड़ा अन्तरंग अस्पताल खोलने का विचार है। आयुर्वेदिक प्रौद्योगिकी तैयार करने के लिए निगम की एक फार्मसी है। इस फार्मसी को विस्तृत करने का विचार है।

नई दिल्ली नगरपालिका के अधीन एक आयुर्वेदिक प्रौद्योगिकी है। इसके प्रतिरिक्त एक आयुर्वेदिक प्रौद्योगिकीय भार एम्बु में

है जो क मुख्यतः संसद् सदस्यों के लिए है। इस प्रौद्योगिकीय को एक प्रतिष्ठित फार्मस्यूटिकल संस्था श्री वैद्यनाथ फार्मस्यूटिकल बचन की सहायता प्राप्त है। १९५७-५८ में इस प्रौद्योगिकीय को भारत सरकार ने १००० रु० का अनुदान दिया।

स्वदेशी दवा पद्धतियों के विकास की केन्द्रीय योजना के अधीन दिल्ली की आयुर्वेदिक संस्थाओं को निम्नलिखित अनुदान स्वीकृत किये गये :—

रु०

१. आयुर्वेदिक एवं यूनानी तिब्बती कालेज दिल्ली को आयुर्वेदिक एवं यूनानी प्राचीन हस्त-लेखों के संग्रह के लिये

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२. आयुर्वेदिक अस्पताल, बल्ली-भारन को गुद के रोगों पर अनुसंधान के निमित्त ६ बिस्तरों के लिये

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(१९५८-५९)

आयुर्वेदिक एवं यूनानी चिकित्सा के पद्धतियों के व्यवसाय एवं प्रशिक्षण पर नियंत्रण रखने के लिये दिल्ली में इन पद्धतियों का एक बोर्ड है। यह बोर्ड १९५१ में बना था। ज्ञात हुआ है कि इन्होंने अब तक लगभग १९५८ आयुर्वेद एवं यूनानी चिकित्सकों का पंजीयन किया है।

छद्मा समिति की सिफारिशों के अनुसरण में हाल ही में एक केन्द्रीय आयुर्वेदिक अनुसंधान परिषद् स्थापित की गई है।

(ख) भारत सरकार के विचाराधीन ऐसा कोई प्रस्ताव नहीं है।

Rohtak-Bhiwani Railway Line

1977. **Shri Ram Krishan Gupta:**
Shri Padam Dev:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that a decision was taken and a survey was

conducted before the Second World War for laying a railway line from Rohtak to Bhiwani and some expenditure was also incurred in this regard;

(b) if so, the reasons as to why this scheme was left incomplete; and

(c) whether Government propose to take up this scheme again?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). Although the construction of the proposed line was sanctioned in 1926, its actual construction did not proceed for want of funds and no expenditure was incurred.

(c) The proposal was not included in the recommendations of the State Government for new lines during the Second Plan period and has not so far been approved by the Planning Commission. The chances for the construction of this line in the near future are remote.

Setting up an Up-to-date Hospital in Each District

1978. Shri Ram Krishan Gupta: Will the Minister of Health be pleased to state:

(a) whether the scheme for setting up an up-to-date Hospital in each District has been finalised;

(b) if so, the main features of the scheme; and

(c) nature of steps taken or proposed to be taken to implement it?

The Minister of Health (Shri Karmarkar): (a) No scheme regarding the setting up an up-to-date hospital in each District is under consideration at present.

(b) and (c). Do not arise.

Ayurveda

1979. { **Shri Rani Krishan Gupta:**
Shri Padam Dev:
Shri Bhakt Darshan:
Shri Hem Raj:
Shri Ramakrishna Reddy:

Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 2543 on the 10th September, 1959 and state:

(a) whether Government have since considered the recommendations of the Committee appointed to assess and evaluate the present status of Ayurveda; and

(b) if so, the result thereof?

The Minister of Health (Shri Karmarkar): (a) and (b). The recommendations of the Committee appointed to assess and evaluate the present status of Ayurveda are still under examination. It may however be added that a Central Council of Ayurvedic Research has been constituted as recommended by the Evaluation Committee.

Second Bridge on the Yamuna

1980. { **Shri Ram Krishan Gupta:**
Shri Bhakt Darshan:
Shri D. C. Sharma:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 237 on the 7th August, 1959 and state:

(a) whether Government have since received the report from the Central Water and Power Commission's Hydraulic Research Station, Poona, regarding the construction of the Second bridge on the Yamuna near Tughlakabad;

(b) if so, the details thereof; and

(c) the decision taken for its final location?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes.

(b) and (c). According to the Report of the Hydraulic Research Station, a clear waterway of 1800' for the proposed bridge will be adequate and its proposed alignment opposite Purana Qila has been found suitable. Further experiments are being made to determine the best design and arrangement of the training works.

Railway Delegation to Australia

1081. **Shri Ram Krishan Gupta:** Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 1508 on the 25th August, 1959 and state:

(a) whether Government have since examined the report submitted by the Railway Delegation which visited Australia; and

(b) if so, the result thereof?

The Deputy Minister of Railways (Shri Shah Nawas Khan): (a) Yes.

(b) Their observations have been noted and necessary action is being taken in implementation thereof.

Extra-Departmental Staff of P & T

1082. { **Shri Ram Krishan Gupta:**
Shri Padam Dev:
Pandit D. N. Tiwary:
Shri M. L. Dwivedi:
Shri Bhakt Darsan:
Shri D. C. Sharma:
Shri T. B. Vittal Rao:
Shri Tangamam:
Shri Vajpayee:

Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 1860 on the 10th September, 1959 and state:

(a) whether Government have since considered the report of the Committee appointed to enquire into the working conditions of extra-departmental staff of the Posts and Telegraph Department; and

(b) if so, the result thereof?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) and (b). The recommendations of the Committee appointed enquire into the conditions of extra-Departmental Employees in the P & T Department are still under the consideration of the Government. I shall place a statement of the recommendations and Government decisions thereon soon after the consideration of the report is completed.

New Road Bridge near Sankrail

1083. { **Shri S. C. Samanta:**
Shri Subodh Hansda:

Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 1015 on the 17th August, 1959 and state:

(a) whether the request of West Bengal Government to share equally the cost of constructing new road bridge very near to Railway Bridge No. 17 between Sankrail and Audul on S.E. Railway has since considered; and

(b) if so, the nature of the decision arrived at?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) The matter is under consideration and it is expected that a decision would be arrived at shortly.

(b) Does not arise.

Wagon Repair Workshop, S.E. Railway

1084. { **Shri R. C. Majhi:**
Shri Subodh Hansda:

Will the Minister of Railways be pleased to state:

(a) whether a workshop for repairing wagons is proposed to be established at Chakradharpur on the South Eastern Railway; and

(b) if so, whether the land required for this workshop has been acquired?

The Deputy Minister of Railways (Shri Shahmawaz Khan): (a) The question of establishing a new wagon repair shop on the South Eastern Railway has been deferred to Third Five Year Plan.

(b) Does not arise at this stage.

Prices of Essential Commodities

Shri Harish Chandra Mathur:
Shri Kalika Singh:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government is aware that there are great variations in prices (index) of essential commodities from region to region;

(b) whether these variations have been greatly accentuated recently because of the complexities arising out of the Zonal arrangements and if so, the extent and nature of variations during the year 1958-59 and at present; and

(c) the corrective measures, if any, taken or proposed to be taken by Government to minimise these variations in prices in different regions of the country?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). It is not clear what essential commodities the hon. Members have in mind. The price of a commodity is generally higher in a deficit area than in a surplus area. Probably the hon. Members have in mind the disparity in prices of foodgrains between contiguous States. It is correct that where contiguous surplus and deficit States have been separately cordoned off, the disparity in prices between them has increased. For example, the disparity in the price-level of foodgrains between Madhya Pradesh and Bombay is now about double of what it was when free movement between the two States was allowed.

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(c) The most effective way of reducing disparity between contiguous surplus and deficit States is to allow free movement between them. However, until that is possible, attempt is made to keep the disparity to the minimum by larger distribution of government stocks in the deficit State and government procurement operations in the surplus State.

दिल्ली में सड़कों के नये नाम रखना

१०८६. { श्री भक्त दर्शन :
श्री नवल प्रभाकर :

क्या स्वास्थ्य मंत्री १० सितम्बर, १९५९ के प्रतिरक्षित प्रश्न संख्या २५३१ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) नई दिल्ली की ग्यारह सड़कों के नाम बदल कर भारतीय नाम रखने के बारे में क्या निर्णय किया गया है ; और

(ख) शेष सड़कों के, जिनके नाम विदेशी हैं, नाम बदलने और भारतीय नाम रखने के बारे में क्या विशेष कार्यवाही की जा रही है ?

स्वास्थ्य मंत्री (श्री करमरकर): (क) नई दिल्ली नगर पालिका ने निम्नलिखित परिवर्तन लाने का निश्चय किया है :—

वर्तमान नाम	परिवर्तित नाम
किंग एडवर्ड रोड	मौलाना आज़ाद रोड
क्वीन विक्टोरिया रोड	डा० राजेन्द्र प्रसाद रोड
रॉयल रोड	मन्दिर मार्ग
मीड रोड	उद्यान मार्ग
बेयर्ड रोड	बंाला साहिब मार्ग
हैक्लोक रोड	काली बाड़ी मार्ग
हाडिंग एग्जेंसू	तिलक मार्ग

इसके प्रतिरक्षित नई दिल्ली नगर-पालिका ने किबनर रोड का नाम बदल कर

सरकार पटेल रोड रखने का भी निश्चय किया है।

(ख) कोई विशेष कदम नहीं उठाये जा रहे हैं। जल से मुझाव आने और चीफ कमिश्नर, दिल्ली की सर्वेक्षित मिलने के बाद सम्बन्धित स्थानिक निगम ही सड़कों के नान बदला है।

Soil Erosion and Silting in Himachal Pradesh

1087. { Shri Ram Krishan Gupta:
Shri Padam Dev:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the problem of soil erosion and silting has assumed alarming proportions in Himachal Pradesh; and

(b) if so, nature of steps taken or proposed to be taken to tackle this problem?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Yes.

(b) Soil conservation measures, such as afforestation, terracing, check damming, check bunding, gully plugging, contour trenching, and closing and fencing of areas are being undertaken to check soil erosion.

Under the Second Plan soil conservation and afforestation, covering an area of 3,341 acres, have been done in Government and Panchayat forests.

Besides this, the following works have also been done:

Name of scheme	Area covered
1. Chamba Town Development Scheme.	28 acres
2. Bhakra Soil Conservation Scheme	2,047 acres
3. Soil Conservation Demonstration Project Scheme in Bhakra Catchment.	2,110 acres.

During the Third Five Year Plan, the Soil Conservation and Afforestation measures are proposed to be

undertaken on a more extensive scale in Himachal Pradesh.

नकली दवाईयाँ

१०८८. { श्री प्रकाश बीर सास्त्री :
श्री नरदेव स्नातक :

क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि शिलाजीत, केसर, कस्तूरी आदि लाभदायक औषधियाँ भारत वर्ष में भारी मात्रा में नकली बनाई जा रही हैं;

(ख) क्या यह भी सच है कि इस के कारण इन औषधियों की सहायता से बनाई जाने वाली आयुर्वेदिक दवाईयाँ कम प्रभावी हो रही हैं; और

(ग) क्या सरकार ने इस विषय में कोई कार्यवाही करने का निश्चय किया है ?

स्वास्थ्य मंत्री (श्री करमरकर) : (क) से (ग) तक सरकार के पास इन औषधियों के नकली उत्पादन के सम्बन्ध में कोई सूचना नहीं है। फिर भी इन औषधियों के निर्माण तथा विक्रय पर सरकारी नियंत्रण न होने के कारण इस कुत्ति को रोकना सम्भव नहीं है। भारत में आयुर्वेदीय औषधियों के उत्पादन तथा विक्रय के सही अकड़े उपबन्ध नहीं हैं। आयुर्वेदिक चिकित्सा पद्धति के वर्तमान स्तर के निर्धारण एवं मूल्यांकन के लिए भारत सरकार द्वारा डा० के० एन० उरुपा की अध्यक्षता में नियुक्त समिति ने एक केन्द्रीय आयुर्वेदिक अनुसन्धान परिषद् की स्थापना की सिफारिश की है। यह परिषद् अन्य बातों के साथ-साथ आयुर्वेदिक औषधियों को तैयार करने के लिए कच्चे माल, खनिज औषधियों तथा अन्य जैविक पदार्थों के स्तरीकरण के काम को भी हाथ में ले सकती है। केन्द्रीय आयुर्वेदिक अनुसन्धान परिषद् हाल ही में स्थापित की गई है। उक्त समिति की इससे सिफारिशें अभी विचाराधीन हैं।

Scheduled Castes and Scheduled Tribes Employees at Cochin Port

1089. **Shri Kodiyan:** Will the Minister of Transport and Communications be pleased to state:

(a) the number of appointments made in the Cochin Port both in the permanent and temporary services for the last three years;

(b) the number of seats reserved for the Scheduled Castes and Scheduled Tribes for appointments in these years in the port;

(c) whether all the seats reserved for the Scheduled Castes and Scheduled Tribes have been filled up; and

(d) if not, the reason therefor?

The Minister of State in the Ministry of Transport and Communications (**Shri Raj Bahadur**): (a) to (d). The information required is given in the statement laid on the Table. [See Appendix II, annexure No. 99].

Kathua Feeder Canal

1090. **Shri D. C. Sharma:** Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 231 on the 7th August, 1959 and state the amount spent so far on the construction of Kathua Feeder Canal?

The Deputy Minister of Irrigation and Power (**Shri Hathi**): The expenditure incurred by the Government of Jammu and Kashmir on the Kathua Feeder Project to end of June, 1959 amounts to Rs. 21.65 lakhs approximately.

Adilabad-Mudkhed Railway Line

1091. { **Shri T. R. Vittal Rao:**
Shri Tangamani:

Will the Minister of Railways be pleased to state:

(a) what are the works yet to be completed on the Adilabad-Mudkhed

railway line to make it safe for running passenger trains during the night;

(b) whether an estimate of the cost of those works has since been completed; and

(c) when these works will be undertaken?

The Deputy Minister of Railways (**Shri S. V. Ramaswamy**): (a) No such works are proposed to be carried out, as the meagre traffic on this section does not warrant the introduction of any night train service.

(b) and (c). Do not arise.

Steel Poles for Telegraph Facility Schemes

1092. **Shri M. R. Krishna:** Will the Minister of Transport and Communications be pleased to state:

(a) the percentage of the telegraph facility schemes, already sanctioned and not put through for want of steel poles in the country;

(b) the total demand for the steel poles placed with the Iron and Steel Controller for the year 1959-60; and

(c) the requirement of the Posts and Telegraphs Department of Hyderabad and Andhra Circles during 1959-60?

The Minister of Transport and Communications (**Dr. P. Subbarayan**): (a) five per cent.

(b) Steel poles are manufactured by P. & T. Workshops from steel sheets supplied by Iron and Steel Controller. Demand for steel sheet placed on Iron and Steel Controller for 1959-60 is for 1,845 tons.

(c) 17,394 poles.

New Telephone Exchanges in Jammu and Kashmir State

1093. **Shri Inder J. Malhotra:** Will the Minister of Transport and Communications be pleased to state:

(a) whether Government have any plans to open new Telephone Ex-

changes in Jammu and Kashmir State during 1959-60; and

(b) if so, the details thereof?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Yes.

(b) The opening of two Exchanges at Pampur and Bijhchara has been sanctioned.

Fishery in Punjab

1094. Shri Ajit Singh Sarhadi: Will the Minister of Food and Agriculture be pleased to state:

(a) the various types of equipment like cold storage, ice factories, pumps etc. which have been given to the Punjab Government during the Second Five Year Plan so far from such aids received from Technical Co-operation Administration and other Aid Programmes for development of fishing in the country; and

(b) the centres in the Punjab where such aids are being utilized?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) One Cold Storage Cabinet and 300 lbs. of Nylon Fishing Twine has been supplied to the State of Punjab, under the Indo-American Technical Assistance Programmes.

(b) (i) The Cold Storage Cabinet is being installed at Ludhiana. The building for the installation of the plant is under construction and the plant is likely to be installed by the end of December, 1959.

(ii) The Nylon Twine was distributed in equal quantity among the Divisional Deputy Wardens of Fisheries at Patiala, Ambala and Ferozepur. Various types of nets have been got prepared and the same are being used throughout the State for catching fry for stocking purposes. The utility of such nets is also being demonstrated to the Fishermen Community of the State who have shown interest in such nets.

Telegraph Line between Kathua and Pathankot

1095. Shri Inder J. Malhotra: Will the Minister of Transport and Communications be pleased to state:

(a) whether the Government have any plans to instal a direct telegraph line between Kathua (Jammu and Kashmir) and Pathankot (Punjab); and

(b) what is the present arrangement of Telegraphic facilities between Kathua and Basohli (Jammu and Kashmir) and between Kathua and Pathankot?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Kathua C.O. is already connected with Pathankot on an omnibus telegraph circuit.

(b) Kathua and Basoli are not connected with each other on a direct telegraph line. Both are connected by separate lines to Pathankot which serves as a transit station for passing telegraph traffic.

Report of Finnish Experts on Forest Industries

1096. { Shri Hem Raj:
Shri D. C. Sharma:

Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 2308 on the 7th September, 1959 and state:

(a) whether the printed copies of the report of the Finnish Experts on Forest Industries in Beas area have since been received from the Government of Finland; and

(b) if not, by what time those are expected?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). Copies have since been placed in the Library of the Parliament.

As only a very limited number of printed copies were received, it has not been found possible to place copies on the Table of the Lok Sabha.

Filaria Control Programme in Kerala

1957. Shri Kodiyankal: Will the Minister of Health be pleased to state:

(a) the progress so far made in the Filaria Control Programme in Kerala; and

(b) the amount so far spent for the programme in the State?

The Minister of Health (Shri Karmarkar): (a) Two survey and 6-3/8th control units have so far been allotted to the Government of Kerala under the National Filaria Control Programme. The control units are located at and started functioning in Trivandrum, Quilon, Ernakulam (1956-57); Kozhikode (1955-56) and Alleppey, Tirur, Cannanore (1957-58). The surveys to delimit the Filariasis areas in the State are not yet completed and have so far covered a population of 14.54 lakhs. Mass Therapy has been completed by the units at Trivandrum, Quilon and Ernakulam and in the urban area under the Kozhikode unit. The Programme is currently in progress under the Alleppey unit. About 4.56 lakhs of persons have so far received the drug through these units.

Indoor residual spraying has been regularly carried out by the units at Trivandrum, Quilon and Ernakulam. 7.01 lakh houses have been sprayed with insecticides in three rounds.

Anti-larval operations are being carried out in the urban area under the units at Trivandrum, Quilon, Ernakulam and Kozhikode.

(b) A sum of Rs. 35.00 lakhs has been spent up to September, 1959, for Filaria Control Programme in the State of Kerala.

कोसी नहर

१०६८. डा० राम सुभष सिंह : क्या सिंचाई और विद्युत् मंत्री ७ अगस्त, १९५६ के दायित्व प्रश्न संख्या २२७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) कोसी परियोजना की नहरों से अब तक कितने एकड़ भूमि की सिंचाई की जाती है;

(ख) अब तक बनाई गई नहरों की कुल सिंचाई क्षमता कितनी है;

(ग) इसके अतिरिक्त और कितनी नहरें बनाने का विचार है; और

(घ) उन से और कितने एकड़ भूमि की सिंचाई होगी ?

सिंचाई और विद्युत् उपमंत्री (श्री हाथी) :

(क) कुछ नहीं ।

(ख) क्योंकि अभी नहरें बनाई जा रही हैं, सिंचाई लाभ अभी तक नहीं हुए ।

(ग) चार अतिरिक्त नहरों की जांच हो रही है ।

(घ) लगभग १२.५५ लाख एकड़ ।

Sugar Factories

1959. { Shri Agadi:
Shri D. A. Katti:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the sugarcane price and bonus paid in the Mysore State sugar factories is much lower than the price paid by the sugar factories in Bombay State area during 1957-58 and 1958-59 seasons;

(b) the rate and bonus paid by the various sugar factories of Mysore and Bombay States for 1957-58 and 1958-59 seasons; and

(c) what action Government have taken to check this disparity?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). The price of cane inclusive of bonus in Bombay was Rs. 46 per ton in 1957-58 and Rs. 47 per ton in 1958-59.

In Mysore all sugar factories paid during 1957-58 and 1958-59 seasons the minimum sugarcane price of Rs. 1.44 per maund (Rs. 39.2 per ton). The extra price paid in 1957-58 on a voluntary basis is:—

1. Mandya	Rs. 4.19 per ton.
2. Ugar Khurd	Rs. 2.53 per ton.

The Price Linking Formula has been applied on a compulsory basis with effect from 1958-59 season. The season has just closed and the position regarding payment of extra price would be known after finalisation of accounts by factories.

(c) The quantum of bonus (extra price) will always vary from State to State and factory to factory depending upon recovery, duration of season, sugar price and other local factors.

Co-operatives in Kerala

1100. Dr. Ram Subhag Singh: Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether any enquiry has been made into the working of the co-operatives in Kerala State; and

(b) if so, what are the findings?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) An enquiry has been made into the working of the Coir Co-operative Societies alone.

(b) The recommendations relate to Thondu (Husk) Societies, Primary Societies, Marketing Societies and Unions and the administrative set up. The main recommendations are:—

(i) There should be better co-ordination between the Thondu (husk) and Primary Societies;

(ii) Systematisation of accounts and standardisation of methods must be attended to;

(iii) The number of Thondu Societies should be limited;

(iv) Primary Societies should be made Societies for the benefit of workers and small manufacturers by confining their activities only to these classes. They should arrange sale of coir produced by members through Central Marketing Societies and improve standards and quality of production to ensure a uniform price;

(v) The Central Marketing Societies should insist on improved quality of production and enforce better standards. Their internal and external selling departments should be strengthened. The Societies should be assisted by Government to provide godown facilities;

(vi) A systematic procedure for intensive supervision by the department should be followed. A more thorough system of audit is required. Administrative delays should be minimised.

Godown Sheds in Himachal Pradesh

1101. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the storage godown of Himachal Pradesh at Rupar has been shifted to Kiratpur Sahib;

(b) if so, whether any godown shed has been constructed at Kiratpur Sahib; and

(c) the time by which it will be constructed to avoid loss of goods?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) No intimation has so far been received from the Himachal Pradesh Govt. regarding the shifting of their storage godown from Rupar to Kiratpur Sahib.

(b) No, Sir.

(c) Does not arise.

I.A.C. Route Pattern

1102. { Shrimati Mafta Ahmed:
Shri Khimji:

Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that changes are proposed to be introduced in the Indian Airlines Corporation route pattern from 1st December, 1959; and

(b) if so, the details thereof?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) Yes Sir. The revised schedule has been announced and brought into force.

(b) The new schedule has been given wide publicity and some of the important changes made are:

(i) Increase in frequencies on the Bombay|Delhi and Bombay|Calcutta Viscount services;

(ii) Reduction in frequencies on the Delhi|Calcutta, Calcutta|Madras, Calcutta|Rangoon, Madras|Colombo, Bombay|Karachi and Delhi|Karachi Viscount services;

(iii) Introduction of the following new services:

Delhi | Gwalior | Bhopal | Indore|
Bombay; Delhi|Panna (non-scheduled).

(iv) Recasting of some of the Dakota services on other routes.

Central Council of Local Self Government

1103. Shri Ram Krishan Gupta: Will the Minister of Health be pleased to state the details of recommendations made and decisions taken at the 5th Session of the Central Council of Local Self Government held at Hyderabad on the 24th October, 1959?

The Minister of Health (Shri Karmarkar): A copy of the Resolutions passed on non-panchayat items

in the fifth meeting of the Central Council of Local Self Government held at Hyderabad on the 22nd October, 1959 is laid on the Table. [See Appendix II, annexure No. 100]. These Resolutions have been brought to the notice of the State Governments as well as the concerned Ministries of the Union Government for necessary action.

Polo Ground, Imphal

1104. Shri L. Achaw Singh: Will the Minister of Health be pleased to state:

(a) whether it is a fact that the polo ground at Imphal within the Imphal Municipality is being maintained by the Manipur Administration; and

(b) if so, whether there is any proposal to allot the polo ground to any sports association or body?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) There is no such proposal. The polo ground is allotted to sports and other associations as per rules prescribed by the Administration in this behalf.

Per Capita Consumption of Fish, Meat and Poultry

1105. Shri V. P. Nayar: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the per capita consumption of fish, meat and poultry products has increased in India since the commencement of the First Five Year Plan;

(b) if so, by how much; and

(c) the calories supplied by these products in the average Indian diet?

The Deputy Minister of Agriculture Shri M. V. Krishnappa: (a) to (c). The information is being collected and will be laid on the Table of the Lok Sabha, in due course.

Vallabhbhai Patel Chest Institute

1166. { Shri Vasudevan Nair:
Shri V. P. Nayar:

Will the Minister of Health be pleased to state the result achieved so far by research at the Vallabhbhai Patel Chest Institute in Delhi on the effect of anti-T.B. drugs on the causative bacilli of the disease?

The Minister of Health (Shri Karmarkar): A new anti-biotic which it is claimed has anti-tubercular properties has been discovered as a result of research in the Vallabhbhai Patel Chest Institute. It has been found to be active against tubercle bacilli in culture even in small dilutions. Even the crude extract of the anti-biotic has very little toxicity in animals. Work on purification of the anti-biotic and preparation in sufficient quantities for studies in experimental tuberculosis is in progress.

A point of interest regarding this anti-biotic is that it is active against streptomycin resistant tubercle bacilli and also against a very resistant micro organism called "Bacillus Pyocyanus".

Considerable difficulties have been experienced in the extraction and purification of the anti-biotic in a stable form. Work on these lines is in active progress with the help of a grant given by the Indian Council of Medical Research.

Consumption of Various Types of Food in States

1167. { Shri Vasudevan Nair:
Shri Nagi Reddy:
Shri V. P. Nayar:

Will the Minister of Food and Agriculture be pleased to state:

(a) the steps taken, if any, to balance the great disparity between various States in the consumption of milk and milk products, meat and meat products, poultry and poultry products and fish and fish products; and

(b) whether a statement showing the per capita consumption of these items of food in the various States for the years 1951 and 1958, State-wise, will be laid on the Table?

The Minister of Food and Agriculture (Shri S. K. Patil): (a) and (b). A statement is laid on the Table. [See Appendix II, annexure No. 101.]

Fisheries of Kerala State

1168. { Shri Vasudevan Nair:
Shri Nagi Reddy:
Shri V. P. Nayar:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that marine fisheries of Kerala State recorded the maximum catch in 1958-59; and

(b) how much of the increase is due to improved methods of fishing and how much due to the haul of Sardines and Mackerels?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Marine fisheries of Kerala State did not record the maximum catch in 1958-59; the catch was lower than in 1957-58 when oil Sardines accounted for large percentage.

(b) Does not arise.

Railway Schools

1169. Shri Damar: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that tuition fees in Railway schools on Northern Railway, Eastern Railway and some other Railways is realised in cash on the 15th of every month as is done in the State Government Schools;

(b) whether it is also a fact that tuition fees in Railway schools on Western Railway is realised through salary bills of Railway employees resulting in non-recovery of school dues and in loss to Railway Revenue to the tune of thousands of rupees; and

(c) if so, the action proposed to be taken in the matter?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). Both the practices of recovery in cash and recovery through salary bills obtain on the Railways, depending on past traditions. To give some examples, while on Northern and Eastern Railways the former practice obtains in most schools, on the Central, Western and Southern Railways recovery of fees in respect of children and wards of employees is made through salary bills and this has not led to any loss of Railway Revenues.

(c) Does not arise.

Arrears of Payment on S.E. Railway

1110. Shri Aurobindo Ghosal: Will the Minister of Railways be pleased to state:

(a) whether on the S.E. Railway there are considerable arrears in staff matters like payment of new deal, payment of Travelling allowance, increments, payment of settlements etc.; and

(b) if so, the reasons therefor?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). The establishment of the South Eastern Railway consists of over 1,25,000 regular employees and 60,000 casual labour. Delays in payment occur in the case of some of the employees due to irregular, incomplete or delayed claims resulting in the need for scrutiny before sanction. During the past one year, steps have been taken to liquidate the arrears of claims and a constant watch is now being maintained. There has been considerable improvement in the position.

Fair Price Shops in Kerala

**1111. { Shri Vasudevan Nair:
Shri Punnose:
Shri Warier:**

Will the Minister of Food and Agriculture be pleased to state the quanti-

tity of rice which is being distributed per card-holder at present from the fair price shops in Kerala?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): One local measure (Edangali) of about 2.6 lbs. per week.

P. & T. Employees, Sambalpur

1112. Shri Kumbhar: Will the Minister of Transport and Communications be pleased to state:

(a) the number of P. & T. employees, grade-wise, who have been provided Government quarters in Sambalpur Postal Division, so far; and

(b) when the remaining employees will be provided Government quarters?

The Minister of Transport and Communications (Dr. P. Subbarayan):

(a) Pay group upto Rs.	55/-	14
" " Rs.	55-149	103
" " Rs.	150-249	5
" " Rs.	250-499	4

(b) In view of the very heavy investment involved, it is not possible for the Department to provide departmental quarters for 100 per cent. of the staff. Cases regarding individual stations are examined for providing quarters if the circumstances justify such a provision and subject to the availability of resources.

Family Planning

1113. Shri Vidya Charan Shukla: Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 3282 on the 20th April, 1959 and state:

(a) the amounts actually utilised during 1958-59 and that surrendered by each of the State Governments in respect of the grants sanctioned by the Central Government for family planning programme;

(b) the tentative allocation made by the Planning Commission for the

year 1959-60 for each State for family planning programme;

(c) the total amount released to each of the States so far as 'ways and means advances' on the basis of the above allocation; and

(d) the steps, that are being taken to ensure that the States utilize the amounts fully?

The Minister of Health (Shri Kar-markar): (a) The information on the amounts actually utilised during 1958-59 on family planning programme from all the States is not yet available. The amounts sanctioned in respect of each State on the basis of actuals for first nine months and estimates for the last three months of 1958-59 are as follows:

State	Rupees in lakhs
Andhra	0.58
Assam	1.27
Bihar	0.613
Bombay	2.54
Jammu & Kashmir	0.057
Kerala	0.98
Madhya Pradesh	*Not known
Madras	1.89
Mysore	0.19
Orissa	0.52
Punjab	0.72
Rajasthan	0.61
Uttar Pradesh	0.553
West Bengal	2.06

*Sanction was issued in lump sum for all the Centrally sponsored schemes, including Family Planning.

Final adjustments on the basis of actuals for the entire year will be sanctioned during the current year.

(b) The tentative allocation for family planning programme during 1959-60 are as follows:

State	Rupees in Lakhs
Andhra Pradesh	3.96
Assam	3.00
Bihar	4.00
Bombay	9.47
Jammu & Kashmir	0.47
Kerala	3.75
Madhya Pradesh	3.82
Madras	6.00
Mysore	3.42
Orissa	4.50
Punjab	1.52
Rajasthan	3.00
Uttar Pradesh	7.58
West Bengal	4.78
TOTAL	59.27

(c) The assistance to State Governments is released group-wise (Primary Health Centre and Family Planning) and 1/12th of the allocation is released as ways and means advances by the Ministry of Finance in each month.

(d) The State Administrative Medical Officers and State Family Planning Officers have been repeatedly requested to utilise the amounts fully. This is also emphasised by the Officers of the Ministry of Health and Directorate General of Health Services during their visits to States and at the meetings of the State Administrative Medical Officers and of the Central Family Planning Board (which are attended by State representatives). The progress of the schemes in the States is also constantly watched by the Ministry.

House Building Advances

1114. Shrimati Renu Chakravarty: Will the Minister of Transport and Communications be pleased to state:

(a) how many applications have been received so far by the Civil Aviation

Department from employees for house building advances for which Government servants are eligible; and

(b) how many have received the advances so far?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) Twenty-two.

(b) Six applicants have received the loans. In two cases the Government have approved the grant of loans and amounts will be paid to the individuals after they have completed the necessary formalities. Five applications were rejected because the necessary conditions were not fulfilled; three were withdrawn and another three which were received incomplete have been returned for completion. The remaining three applications which were received by the Director-General of Civil Aviation very recently are under examination.

Malaria in U.P.

1115. Shri Kalika Singh: Will the Minister of Health be pleased to state:

(a) whether it is a fact that the Revenue Divisions of Gorakhpur and Varanasi of U.P. are malaria infested regions;

(b) if so, whether Government of India has started or is about to start any National Malaria Control Programme unit in those regions;

(c) if so, the details thereof; and

(d) the results achieved so far in the aforesaid region for elimination of malaria?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) Yes, these regions are covered under the National Malaria Eradication Programme.

(c) The entire seventeen million population living in Gorakhpur and Varanasi Divisions are covered by Seventeen National Malaria Eradication Units out of which eight are endemic and nine are Hypoendemic.

(d) The endemic portions of these districts have received two sprays during the year 1958-59 and another two sprays during 1959-60, while those portions of these districts which were Hydoendemic have received one spray during the year 1959-60.

The spleen rate has been reduced from 33.5 per cent. observed in 1953-54 to 4.4 per cent. in 1958-59 for Mirzapur unit and from 12.2 per cent. in 1956-57 to 0.6 per cent. for Gorakhpur East unit. The parasite rate was found to have dropped from 15.3 per cent. in 1953-54 to 0.1 per cent. 1958-59 for the former unit and for the latter from 8.5 per cent. in 1956-57 to 0.5 per cent. 1958-59. The infant parasite rate in both the units was nil in 1958-59 as against 2.9 per cent. and 8.3 per cent. in the year of commencement of operations for Mirzapur and Gorakhpur units respectively.

Locomotives

1116. Shri Kalika Singh: Will the Minister of Railways be pleased to state:

(a) the dates, names of contractors, the place of signing contracts, the prices, the periods of delivery relating to BG and MG locomotives which were ordered by the Government of India during the years 1955 to 1959 (year-wise).

(b) which of the contracting firms have failed to carry out the terms of the contracts; and

(c) what steps are being taken against defaulting firms for recovery of damages or compensation?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) A statement is placed on the Table of the Lok Sabha. [See Appendix II, annexure No. 102.]

(b) and (c). None. In cases where there have been delays in supplies action is taken to recover appropriate damages. The information has been incorporated in the statement placed on the table of the Lok Sabha in reply to part (a) of the question.

P. & T. Employees, Rourkela

1117. Dr. Ram Subhag Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether all the postal employees in Rourkela Post Offices absented themselves by giving medical certificates on the 3rd November, 1959; and

(b) if so, the action taken in the matter?

The Minister of Transport and Communications (Dr. P. Subbarayan):

(a) A large number of Postal employees in the Post Offices at Rourkela absented themselves on medical certificates during the period 3rd to 6th November, 1959.

(b) Arrangements were made for the sale of stamps, delivery of mails at the window, delivery of telegrams and express delivery letters and despatch of mails through the staff available and some volunteers. The issue of medical certificates to the staff has been taken up with the State Medical Authorities. The D.P.T., Cuttack, is also being asked to deal with the disciplinary aspect of the case.

Roads in Agartala

1118. Shri Dasaratha Deb: Will the Minister of Health be pleased to state:

(a) whether it is a fact that the roads in Agartala town have deteriorated;

(b) whether the roads from Jogen-dranagar-Sadhillla, Drkli and other adjoining colonies towards Agartala town are in bad condition; and

(c) if so, the steps being taken in the matter?

The Minister of Health (Shri Kar-markar): (a) and (b). Yes.

(c) (i) The Tripura Administration had submitted an estimate amounting to Rs. 12,02,100 for the improvement of roads in Agartala Town. This has

been sanctioned recently and the amount will be given to the Agartala Municipality to enable it to convert most of the town roads into black topped ones.

(ii) Territorial Council is concerned with the roads mentioned at (b) of the question. There is at present no provision for converting them into all-weather ones but ordinary repairs will be done by the Council from time to time.

Agartala Post Office Building

1119. Shri Dasaratha Deb: Will the Minister of Transport and Communications be pleased to state:

(a) whether the present general post office at Agartala, Tripura, is too small to accommodate increasing volume of work; and

(b) if so, the steps taken towards extension of the present accommodation?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) The answer is in the affirmative.

(b) The proposal to provide additional accommodation as required is under consideration of the Director, Posts and Telegraphs, Shillong.

Goods Train Accidents

1120. Shri Wodeyar: Will the Minister of Railways be pleased to state:

(a) what are the number of goods train accidents (collision and derailment) in Mysore Division from October, 1958 to October, 1959;

(b) the nature of these accidents;

(c) how many passenger trains were cancelled as a result of these goods train accidents in Mysore Division; and

(d) what is the loss incurred by the Railways in the form of revenues?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) During the period 1st October, 1958 to 31st October, 1959, 27 goods train accidents

took place in Mysore Division of Southern Railway.

(b) Collisions	NIL
Derailements	27
Total	27

(c) 17 passenger trains were cancelled as a result of these accidents.

(d) Estimated loss is approximately Rs. 25,00.

Kosi Co-ordination Board

1121. Shri P. C. Borooah: Will the Minister of Irrigation and Power be pleased to state:

(a) whether a meeting of the Kosi Co-ordination Board was held in Nepal on the 26th September, 1959; and

(b) what were the subjects discussed and decisions taken therein?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) A meeting of the Kosi Co-ordination Committee was held at Kathmandu on the 24th September, 1959.

(b) A statement containing the requisite information is laid on the Table. [See Appendix II, annexure No. 103.]

रेलवे के अध्यापकों के बेतन-कम

११२२. श्री अवदीश बक्सरी: क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या रेलवे प्रशासनों द्वारा चलाई जाने वाली शिक्षा संस्थानों और राज्य सरकारों की शिक्षा संस्थानों के अध्यापकों और अध्यापिकाओं के बेतन-कम और पदालियों में कोई असमानता है;

(ख) यदि हाँ, तो इस के क्या कारण हैं; और

(ग) क्या सरकार इस असमानता को दूर करने का निवारण कर रही है ?

रेलवे उप मंत्री (श्री शाहनवाज खां) :

(क) एक बयान सभा पटल पर रखा जाता है, जिसमें रेलवे स्कूलों के अध्यापकों के लिए निर्धारित बेतन-मान दिये गये हैं। सम्बन्धित राज्य सरकारें अपने स्कूलों के अध्यापकों के बेतन-मान निर्धारित करती हैं और रेलवे मंत्रालय में इनका कोई रिकार्ड नहीं रखा जाता। [दिल्लिये परिशिष्ट २, अनुसूच संख्या १०४]

(ख) और (ग). सवाल नहीं उठता।

Central Government Hospitals in Delhi

1123. Shri Rameshwar Tanti: Will the Minister of Health be pleased to state:

(a) whether it is a fact that Government have decided to air-condition the operation theatres of Central Government hospitals in Delhi; and

(b) if so, the details of the scheme?

The Minister of Health (Shri Karmakar): (a) No specific decision in regard to the air-conditioning of operation theatres of Government hospitals in Delhi has been taken but the operation theatres are generally air-conditioned.

(b) Safdarjang Hospital:

There are three operation theatres. Two theatres are fully air-conditioned and one is only partly air-conditioned for want of adequate power supply. It is expected that the latter will be fully air-conditioned by the beginning of 1960.

Willington Hospital:

There are four operation theatres. Two theatres on the ground floor are air-conditioned. Two operation theatres on the first floor of the new constructed block have not been air-conditioned but administrative approval for air-conditioning them has been accorded.

Irwin Hospital

Four operation theatres in the Irwin Hospital are air-conditioned.

Overbridge at Vijyawada

1124. **Shri Madhusudan Rao:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Chamber of Commerce (Andhra Pradesh) made a representation to the Government of India to construct an overbridge at Vijyawada station in place of the existing underbridge and

(b) if so, the decision of Government thereon?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes, Sir. But the proposal is for provision of a new road overbridge in addition to the existing underbridge.

(b) The Vijyawada Municipality had already requested the Railway Administration to prepare schemes for a new road overbridge as well as for widening the existing underbridge. Detailed plans and estimates are under preparation and when completed will be sent to Municipal Council for their approval and acceptance. The cost of these works will have to be borne fully by the Municipality as per extant rules.

Cremation Ground near South Vinay Nagar

1125. **Shri Ram Garib:** Will the Minister of Health be pleased to state:

(a) whether Government have taken any action to remove the cremation grounds which have sprung up near the residential quarters of the Government servants in the South of Vinay Nagar; and

(b) if not, the reasons therefor?

The Minister of Health (Shri Kar-markar): (a) and (b). The Municipal Corporation of Delhi propose to construct a cremation ground to serve the needs of Vinay Nagar and other neighbouring localities. The use of unauthorised cremation grounds in

the South of Vinay Nagar will be stopped as soon as the new cremation ground is provided.

Deraillment of Katangi-Gondia Train

1126. { **Dr. Gangadhar Siva:**
Shri P. G. Deb:

Will the Minister of Railways be pleased to state:

(a) whether two bogies of the Katangi-Gondia train were derailed in the second week of November, 1959;

(b) if so, the details thereof; and

(c) whether the crossing chowkidar has been rewarded for his alertness?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). On 9-11-1959 at about 08-09 hours while No. 2 GK Down Mixed train was running between Saongi and Waraseoni stations on the Balaghat-Katangi section of South Eastern Railway, one vehicle of the train derailed.

(c) No.

Indian Central Cotton Committee

1127. { **Shri Tangamani:**
Shri Panigrahi:

Will the Minister of Food and Agriculture be pleased to state:

(a) the decision of the Indian Central Cotton Committee, which met in the month of September, 1959 to consider the cotton development schemes in this country;

(b) whether this Committee has submitted any report; and

(c) if so, the details thereof?

The Minister of Agriculture (Dr. F. S. Deshmukh): (a) to (c). The Indian Central Cotton Committee, at its meeting held in September, 1959, considered the question of stepping up cotton production in the country and felt that the target of 72 lakh bales recommended by the Committee

earlier, although less optimistic, was more realistic than the target of 78 lakh bales tentatively fixed at the meeting held in the Ministry of Food and Agriculture with the State Technical Officers in July, 1959. The proposals for the Third Five Year Plan are at present under the consideration of the Government of India and targets of production would be fixed, taking into account the requirements in respect of various commodities, availability of resources, physical potentialities of development etc. As such, it is not possible at this stage to give a definite idea regarding the target for cotton production in the Third Plan.

Children run over by Train

1128. { Shri Jadhav:
Shri B. C. Mullick:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that on or about the 15th September, 1959 two children of a Railway Ga'emmen came under the goods train between Nasik Road and Devlali, while the goods train was being shunted without any prior intimation;

(b) whether any compensation has been paid to the Railway Gateman; and

(c) whether any responsibility has been fixed for the accident?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) On 11-9-1959 at about 13.20 hours during yard shunting operations, two children were run over and killed, unnoticed by anyone, near Gate No. 86 of Devlali station.

(b) An ex-gratia payment has already been made and no claim for compensation has been received so far.

(c) Responsibility will be determined as soon as the enquiry report which is under scrutiny by the Railway Administration is finalised.

Telephone Bills

1129. Shri P. C. Borooah: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the Delhi Telephone District is contemplating to introduce a new system of sending bills which would not be made separately under different heads like the local calls, the trunk calls etc.; and

(b) if so, the reasons which prompted the Delhi Telephone District to adopt this new method?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) A system of issuing consolidated bills to telephone subscribers has been introduced in the Delhi Telephone District for bills for November to be issued in December, 1959. Under this system only one telephone bill comprising the following services rendered to a subscriber will be issued to him once a month:

- (1) Rental of telephones (including local call charges);
- (2) Trunk call charges;
- (3) Rental for accessories, viz., extensions, Plug and Sockets, etc.;
- (4) Charges for extra entries in Telephone Directories; and
- (5) Miscellaneous charges, e.g., Shifting charges, Charges for damage or breakage of telephone instrument etc. Separate statements showing details of the charges for each of the above types of services rendered to a subscriber, will be enclosed with the consolidated bill wherein the totals of these statements will also be shown.

(b) The Scheme is preferred by subscribers. This Scheme was initially tried as an experiment in one Exchange in Bombay and on its proving a success it has been extended to the whole of the Bombay Telephone Dis-

strict and also introduced in the other three large Telephone Systems at Calcutta, Madras and Delhi.

Kazipet Railway Station

1130. Shri Madhusudan Rao: Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 96 on the 4th August, 1959 and state:

(a) whether work on the revised plan for remodelling of the yard at Kazipet Railway Station has since been started;

(b) whether the revised plan includes the elongation and raising of the platforms;

(c) if not, the reasons therefor; and

(d) whether loudspeakers, clocks etc. will be fixed up in the station after the remodelling has been completed?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Not yet.

(b) and (c). No; the yard remodelling plan envisages remodelling of the goods marshalling yard only. There is, however, a separate proposal for extending the platforms also.

(d) Yes; the need for the provision of these amenities has been accepted.

Damaged Stream near Masulipatam

1131. Shri Madhusudan Rao: Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 98 on the 4th August, 1959 and state:

(a) what "agreed solution was arrived at" between the State Port Officer of Andhra Pradesh and Senior Technical Officers of the Ministry of Transport and Communications in regard to damaged stream near Masulipatam; and

(b) what action was taken in the matter?

The Minister of State in the Ministry of Transport and Communications

(Shri Sri Mahabhar): (a) and (b). It was decided that the best solution would be to strengthen the bank at the breach site and train the bank at the original entrance to Masulipatam port by suitable training works and providing a mobile sand pump trawling on a perforated pile pier with needles for regulating the flow. The State Port Officer, Andhra Pradesh, was asked to prepare necessary plans and estimates and send them for scrutiny. He has since written to say that he cannot get these designed by his Engineers and wants the Ministry of Transport to design these for him. As the Ministry has only one Engineer for all the minor ports in the country, he cannot prepare the detailed designs. It is now proposed to ask the State to send their port engineer for preparing the plans and estimates under the guidance of the Officer on Special Duty (Minor Ports).

Allotment of Wagons

1132. Shri Panigrahi: Will the Minister of Railways be pleased to state what is the rate of daily allotment of wagons at the following stations for Iron and Manganese ore separately during the last six months:

(i) Banspani;

(ii) Barajamda; and

(iii) Barabil sidings?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): A statement showing daily average allotment of wagons for iron and manganese ore from Barajamda (including Barabil siding) and Banspani is laid on the Table. [See Appendix II, annexure No. 105.]

Refusal of Jet Training by A.I. Pilots

1133. { Shri Ram Krishan Gupta:
Shri Narayanketty
Memon:

Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that Managing Committee of the Indian Pilots

Guild Organisation of Air India International pilots has directed its members to refrain from receiving training in jet-aircraft operations until the dispute with the management over the wages of pilots and co-pilots was settled; and

(b) if so, the action taken or proposed to be taken in the matter?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) Yes, Sir.

(b) The Corporation have had and are having discussions and negotiations with the Indian Pilots Guild and the wage structure now offered by the Corporation is as follows:

(i) The minimum and maximum emoluments for Commanders for flying a Super-Constellation for 60 hours per month will be Rs. 2,422 and Rs. 2,975 respectively as against the existing emoluments of Rs. 2,322 and Rs. 2,487 for 90 hours flying (The excess flying pay will be Rs. 10.00 per hour.)

(ii) For co-pilots the minimum and maximum emoluments for 80 hours per month will be Rs. 1,909 and Rs. 2,237 as against the existing emoluments of Rs. 1,807 and Rs. 1,917 for 90 hours of flying (The excess flying pay will be Rs. 7.50 per hour.)

(iii) For Commanders flying Boeing 707 aircraft the minimum and maximum emoluments for 80 hours per month will be Rs. 3,072 and Rs. 3,625 which is inclusive of a Jet allowance of Rs. 650.00 per month.

(iv) For Super-Connie Commanders operating as co-pilots on Boeing 707, the minimum and maximum emoluments for 80 hours per month will be Rs. 2,747 and Rs. 3,300 which is inclusive of a Jet allowance of Rs. 400.00 per month.

(v) Apart from the advance in wage scales, the offer will result in the Management's contribution to the Rs. 500. per annum in respect of Commanders and Rs. 425. per annum in manders and Rs. 425 per annum in respect of co-pilots.

(vi) The Management have also offered to liberalise sick leave and

medical benefits.

2. The Government agree with the Air-India International that under Indian conditions the final wage structure offered is fair and generous and hope that a settlement will be reached.

National Harbour Board

1134. Shri P. G. Deb: Will the Minister of Transport and Communications be pleased to state:

(a) whether a meeting of the National Harbour Board was held in Calcutta in September, 1959;

(b) if so, what were the subjects discussed and decisions taken; and

(c) whether any decision was also taken about Paradip Port?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) The answer is in the affirmative.

(b) A statement is laid on the Table which indicates the important subjects discussed and the recommendations of the Board thereon. [See Appendix II, annexure No. 106.]

(c) The Board did not make any recommendation about the development of the Paradip Port.

Night Airmail

1135. Shri Rajagopala Rao: Will the Minister of Transport and Communications be pleased to state:

(a) whether there is any proposal to include Hyderabad in the night air-mail system; and

(b) if not, the reasons therefor?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) and (b). There is no proposal for the inclusion of Hyderabad in the Night Airmail system as it will be un-economical. Hyderabad is otherwise well connected by air with Delhi, Madras, Bangalore, Bombay and Vishakapatnam.

Railway Time Tables

1136. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) the expenditure incurred on the printing of Railway time tables dur-

ing 1959-60 so far; and

(b) the income that accrued to the Railway from the advertisements published in them?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). The total expenditure incurred in the printing of Time Tables and the income accrued from the advertisements published in the Time Tables during 1959-60 (Upto September, 1959) are furnished below:

	Rs.
Total expenditure incurred	7,79,742.18 approx.
Income from advertisements	92,413.63 approx.

The figures in respect of the October, 1959 issue of the Time Table are not available.

Naming of Brahmaputra Bridge

1137. Shrimati Mafida Ahmed: Will the Minister of Railways be pleased to state:

(a) whether Government have received any proposal from the Assam Government or public of Assam or any other organisations of the country for the naming of the Brahmaputra Bridge; and

(b) if so, the decision taken thereon?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes. A suggestion was received from the Assam Sahitya Sabha through the Government of Assam.

(b) Since the Bridge is scheduled for completion only in 1962, it has been considered premature to give it a name. However, the proposal will be given careful consideration at the time of the opening of the bridge.

Corruption cases on S.E. Railway

1138. Shri P. G. Deb: Will the Minister of Railways be pleased to state:

(a) the number and nature of corruption cases committed by the South Eastern Railway employees during 1958;

(b) the number of persons acquitted, case-wise; and

(c) the number of persons convicted, case-wise?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) 453 cases during 1958-59. Nature: Alleged demand and acceptance of illegal gratification, securing employment through spurious certificates, illegal disposal of railway property, misappropriation, false mustering, over-classification of soil in earth work, mis-use of Passes etc.

(b) and (c). Nil, as they were all dealt with departmentally.

P. & T. Building, Jhargram

**1139. { Shri Subodh Hansda:
Shri S. C. Samanta:**

Will the Minister of Transport and Communications be pleased to state:

(a) whether the plan and estimate of the Post Office building at Jhargram, Midnapur District, West Bengal has been prepared;

(b) if so, whether this has been approved by the Government;

(c) if so, what is the total estimated cost of this project;

(d) when the construction will actually start; and

(e) by what time this will be completed?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) to (e). Only the Preliminary plans have been prepared and the same are under examination. The estimates will be prepared after the plans have been finalised.

The finalisation of the plans, the preparation of the C.P.W.D. estimate, accordance of Administrative Approval and Expenditure Sanction and completion of other C.P.W.D. formalities will take some time. The actual construction work will commence only after these formalities have been gone through.

**tion to Matter of
Urgent Public
Importance**

12 hrs.

PAPERS LAID ON THE TABLE

**REPORT OF INLAND WATER TRANSPORT
COMMITTEE**

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): Sir, I beg to lay on the Table a copy of the Report of the Inland Water Transport Committee. [Placed in Library, See No. LT-1769/59].

**NOTIFICATION ISSUED UNDER ESSENTIAL
COMMODITIES ACT**

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): Sir, I beg to lay on the Table, under subsection (6) of Section 3 of the Essential Commodities Act, 1955, a copy of Notification No. G.S.R. 1309 dated the 25th November, 1959. [Placed in Library, See LT-1770/59].

**CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE**

**EXPLOSION ON AMRITSAR-PATHANKOT
RAILWAY TRACK**

Shri S. M. Banerjee (Kanpur): Sir, under Rule 197, I beg to call the attention of the Minister of Railways to the following matter of urgent public importance and I request that he may make a statement thereon:—

“The explosion on the Amritsar-Pathankot railway track on the 29th November, 1959.”

The Deputy Minister of Railways (Shri Shah Nawaz Khan): on the night of 29-11-59, at about 2.05 hours while passenger train No. 6 ABP was going between Jakolari and Sarna stations on the Amritsar-Batala-Pathankot section, the Engine Driver heard a loud report of an explosion on the track underneath the engine. Recovering quickly from the shock he put the brakes on and stopped the

train which had by then passed the site of the explosion.

Fortunately none was injured nor was there any casualty. A portion of the track, some sleepers, fish plates and bolts etc. were damaged.

The Guard of the train immediately contacted the Station Master, Jakolari who in turn sent messages to all concerned. A relief train was also sent from Amritsar.

Senior Railway, Police and Civil Officers rushed to the spot and on examination of the site came to the conclusion that this was an act of sabotage with intent to cause a serious derailment involving injury to life and property. An unexploded bomb was also discovered placed under the left rail. The explosives Expert of the Military disarmed the explosives.

Senior Police Officers met and discussed the entire case in the background of past incidents and local information and are pursuing all lines of inquiry.

On 16.1.1959, there was a similar explosion on the same section but between Sarna and Bahroli stations in which the track and the engine of the same train No. 6 ABP sustained damage though there was no injury or casualty among passengers even then. The scenes of occurrence are about 4 miles apart. The circumstances indicated that it was a case of sabotage with malicious intent. The Government Railway Police registered a case under Section 126 Indian Railways Act and Section 475 of Indian Explosive Act. Two persons suspected in the case were arrested by the police and interrogated a few months before. That case is still under investigation.

Through running of the train in the section was resumed immediately after the repairs to the track. Patrolling of almost all the sections of the railway in that area has been intensified. Vigorous effort by the police continues to trace out the culprits.

Shri S. M. Banerjee: In this particular case, has anybody been arrested?

Shri Shah Nawaz Khan: In this particular case so far no arrests have been made. But in the previous case, two arrests have been made.

श्री खुशबख्त राय (खेरी) : क्या मैं इसके बारे में कुछ इनफार्मेशन हासिल कर सकता हूँ? मैंने इसके बारे में एडजोर्नमेंट मोशन भी दिया था। समाचारपत्रों में यह खबर छपी थी कि इस मामले में कुछ विदेशियों का हाथ है। क्या इसके बारे में आप कुछ सूचना दे सकेंगे?

श्री शाहनवाज खां : इसके बारे में अभी मुझे कोई खास जानकारी नहीं है।

Shri S. M. Banerjee: Previously in regard to the adjournment motion of Shri Vajpayee, he did say that this was an act of sabotage done by some Pakistani. It was suspected to be so. I want to know whether that was true.

Mr. Speaker: Did he say Pakistani?

Shri Shah Nawaz Khan: We never said that it was a Pakistani. We said that it was suspected to be an act of sabotage by somebody outside our borders.

श्री बलजीत सिंह (कागडा—रक्षित—अनुसूचित जातियाँ) : प्रेम में यह खबर आई थी कि एक काले रंग की कार यह बम फटने से पहले वहाँ गई और जल्दी ही वहाँ से वापस चली गई। क्या कोई इनक्वायरी की गई है कि किस की वह कार थी?

श्री शाहनवाज खां : पुलिस छानबीन कर रही है। उसके बारे में मुझे कोई जानकारी नहीं है।

12.05 hrs.

DOWRY PROHIBITION BILL—contd.

Mr. Speaker: The House will now resume clause-by-clause consideration of the Bill to prohibit giving or taking of dowry as reported by the Joint Committee. Five hours were allotted and there is no time left now. On clause 3 we have already taken 1 hour and 36 minutes.

Shrimati Rehu Chakravartty (Basirhat): Actually we have held over clause 2. That is the most debatable clause and the official amendment has just been circulated.

Mr. Speaker: We are in the middle of clause 3 now. We shall finish it and then come to clause 2. I shall extend the time by one hour. Is it enough?

Some Hon. Members: Two hours.

Mr. Speaker: The time may be extended but I think we can finish within an hour or at the most an hour and a half.

The Minister of Law (Shri A. K. Sen): An hour should be enough.

Mr. Speaker: I will allow an hour. If at the end of that time, hon. Members feel that more time is necessary, some hon. Member may move for extension of time.

Shri Raghubir Sahai (Budaun): Clause 2 which has been held over is a very important clause. It is the crux of the whole thing and so the discussion should not be limited to one hour only.

Mr. Speaker: If it is possible to finish within one hour, we shall do so. I do not want to hustle anyone. If an hour more is required, the time will be extended with the consent of the House. I find that on clause 2 a number of hon. Members have given

notices of amendments and only one hon. Member spoke. On clause 3, as many as eleven hon. Members have already spoken. Now, let us finish clause 3. The hon. Minister.

The Deputy Minister of Law (Shri Hajarnavis): Mr. Speaker Sir, there are only two things about which there was a difference of opinion in the House whether the giver of dowry should also be liable for punishment and whether a person found guilty of the offence should be visited compulsorily by a sentence of imprisonment.

Now, so far as the giver is concerned, I have already indicated that we will abide by the decision of the House as to whether the giver of the dowry should also be penalised. We ourselves have come with the provision that both of them should be held guilty, but, as I indicated in my opening speech here, that is a matter which may be left to the vote of the House.

So far as alternative punishment is concerned, we are inclined to the view that the discretion may better be vested in the Magistrate, who can always give a punishment appropriate to the actual nature of the offence. There may be extenuating circumstances, the offence may be technical, the dowry may be a small amount which the court regards technically coming within the definition of dowry but may be insignificant. Therefore, it is not a proper case where the court should be compelled to give a sentence of imprisonment and we should fetter its discretion. On this question we are inclined to the view that the original proposal should stand. I would, therefore, accept Shri Nathwani's amendments Nos. . . .

Mr. Speaker: Is Shri Nathwani here?

Shri Nathwani (Sorath): Yes.

Mr. Speaker: What are his amendments?

Shri Nathwani: My amendments are Nos. 40, 41 and 42.

Shri Hajarnavis: I am accepting amendments Nos. 41 and 42.

Shrimati Renu Chakravartty: Is the hon. Deputy Minister accepting certain amendments?

Mr. Speaker: Yes.

Shrimati Renu Chakravartty: He is accepting all the amendments. Then, what was the use of sending it to a Joint Committee?

श्री भक्त वरदान (गढ़वाल) : एमेंडमेंट नम्बर ४ को ही क्यों स्वीकार नहीं कर लेते जो कि पृ. २० पटेल साहब की है ?

Shri Hajarnavis: We are only restoring the provision as it was in the original Bill.

Mr. Speaker: Shall I put amendments Nos. 41 and 42 first?

Shri P. R. Patel (Mehsana): Sir, I request that amendment No. 4 may be put first because the provision here penalises the giver also and I want to take out the word "gives". That has been indirectly accepted by the hon. Minister.

Shri Hajarnavis: I have not accepted it.

Shri P. R. Patel: Not so directly, but indirectly.

Shri A. K. Sen: Sir, we have not accepted it, let me make it quite clear. I personally feel that if our Bill is a healthy measure the giver and the taker are both equally guilty. It may be a question of punishment which may be left to the court.

Mr. Speaker: It is only a question of "or" or "both" so far as imprisonment and fine are concerned. It is left to the discretion of the magistrate. I shall put the amendments now.

Shrimati Renu Chakravartty: In one minute the whole thing is undone.

Shri A. K. Sen: Let the House decide.

Mr. Speaker: The question is:

Page 2, line 3,—

for "and also" substitute "or" (41).

Page 2, line 4,—

after "rupees" insert "or with both" (42)

Those in favour will please say 'Aye'.

Several Hon. Members: 'Aye'.

Mr. Speaker: Those against will please say 'No'.

Some Hon. Members: 'No'.

Mr. Speaker: I think the 'Ayes' have it.

Some Hon. Members: The Noes have it. We want a division.

Mr. Speaker: All right. Those against will rise in their seats.

Shrimati Renu Chakravartty: It has to be announced, Sir; you have to ring the bell.

Mr. Speaker: I am not bound to ring the bell. The hon. Member may kindly see the rules. I can ask Members to rise in their seats.

Shrimati Renu Chakravartty: I think before you count, the bell should be rung and after that you may do what you like.

Mr. Speaker: If only I allow a division I need ring the bell; if I do not allow a division the bell need not be rung. If hon. Members are indifferent, let them be indifferent; why should not they be anxious to continue here? Anyway, I will abide by the rules, whatever they are. Let me see the rules.

Shrimati Renu Chakravartty: Is it the rule that when we ask for a division we need not be given a division? I am not quite clear about it.

Mr. Speaker: Very well; let the lobbies be cleared. After that, I may or may not allow a division, I may ask hon. Members to rise in their seats.

Shrimati Renu Chakravartty: As long as you record the votes, it is all right.

Mr. Speaker: Order, order. I shall now put both amendments together to the vote of the House—they mean the same thing. They read as follows:

Page 2, line 3,—

for "and also" substitute "or" (41).

Page 2, line 4,—

after "rupees" insert "or with both" (42)

For the benefit of those hon. Members who were not here when I put these amendments to vote I shall explain the whole thing. Clause 3 relates to the punishment for giving and taking dowry. The original clause makes both imprisonment and fine compulsory. The amendments by Shri Nathwani, which have been accepted by Government, are that in place of "and also" the word "or" may be substituted and in the end after "rupees" insert "or with both", leaving the discretion to the magistrate to impose both if necessary.

Shri A. K. Sen: I may add, Sir, that it is the same as the original clause as introduced in this House.

Shri Braj Raj Singh (Ferozabad): That is in contravention of the recommendations of the Joint Committee.

Mr. Speaker: It also may be noted that the Joint Committee omitted this clause, but now Shri Nathwani wants

to restore it here and it has the approval of the Government. Now, I shall put the amendments once again.

The question is:

Page 2, line 3,—

for "and also" substitute "or" (41)

Page 2, line 4,—

after "rupees" insert "or with both" (42)

The Lok Sabha divided.

Mr. Speaker: Has any hon. Member got any correction to make?

Shri P. R. Patel: I am for Ayes. But my machine is not working.

Mr. Speaker: I will add one to the Ayes

Shri N. R. Muniswamy (Vellore): I am for Ayes. I could not vote because my machine was not functioning.

Division No. 6]

AYES

Abdul Lateef, Shri
Abdul Rashid, Bakshi
Abdul Salam, Shri
Achar, Shri
Ajit Singh, Shri
Aney, Dr. M.S.
Anjanappa, Shri
Arumugam, Shri R.S.
Ayyakannu, Shri
Balakrishnan, Shri
Basappa, Shri
Basumatari, Shri
Bhagavati, Shri
Bhakt Darshan, Shri
Bharucha, Shri Naushir
Bharker, Shri
Bhattacharya, Shri K.C.
Bisai, Shri J.B.S.
Biswas, Shri Bholanath
Boroach, Shri P. C.
Brij Narayan 'Brijesh', Pandit
Chandremani Kalo, Shri

Chaturvedi, Shri
Deb, Shri N.M.
Dwivedi, Shri M.L.
Eacharan, Shri V.
Ganapathy, Shri
Gandhi, Shri Perore
Gundhi, Shri M.M.
Ganpati Ram, Shri
Ghodasur, Shri Patehant
Ghosh, Shri M.K.
Gounder, Shri K. Periaswami
Gobind Das, Shri
Gupta, Shri Ram Krishan
Hajarnavis, Shri
Heda, Shri
Jaggiyan Ram, Shri
Jain, Shri A.P.
Jena, Shri K.C.
Jinachandran, Shri
Jogendra Sen, Shri
Joshi, Shri A.C.
Jyotishi, Pandit J.P.

Karmarkar, Shri
Kastliwal, Shri
Keshava, Shri
Keskar, Dr.
Khan, Shri Osman Ali
Khan, Shri Sadath Ali
Khedkar, Dr. G.B.
Kileadar, Shri R.S.
Krishna, Shri M.R.
Laxmi Bai, Shrimati
Mafida Ahmed, Shrimati
Maiti, Shri N.B.
Malhotra, Shri Inder J.
Malvia, Shri K.B.
Maniyangadan, Shri
Mathur, Shri Harish Chandra
Mathur, Shri M.D.
Mehdi, Shri S.A.
Mehta, Shrimati Krishna
Mishra, Shri L.N.
Misra, Shri R.R.
Mohideen, Shri Gulam

Mr. Speaker: I will add one to the Ayes.

पंडित बाबूलाल तिवारी (निमाड़-
खण्डवा) : मशीन काम नहीं करती है ।

ग्रह्यक्ष महोदय : आइज या नोइ ।

पंडित बाबूलाल तिवारी : आइज ।

श्रीमती सत्यभामा देवी (नवादा) :
मैं आटज में हूँ ।

Mr. Speaker: All right. I will add one to the Ayes. Now, the result of the Division is, Ayes 153; Noes 23.

Shri A. K. Sen: The Noes should be 22, Sir. The lady Member over there voted for Ayes but it was recorded as Noes.

Mr. Speaker: All right. Now, the Ayes have 153; the Noes have 22. The result* is:

Ayes 153; Noes 22.

[12. 20 hrs.

*The result of the division applies to amendments No. 41 and 42 separately.

Morarka, Shri
 Muniswamy, Shri N.R.
 Murmu, Shri Paika
 Muthukrishnan, Shri
 Najdu, Shri Govindarajulu
 Nair, Shri Kuttikrishnan
 Nanjappa, Shri
 Narasimhan, Shri
 Naikar, Shri P.S.
 Nathwani, Shri
 Nayar, Dr. Sushila
 Negi, Shri Nek Ram
 Nehru, Shrimati Uma
 Neewi, Shri
 Pande, Shri C.D.
 Pandey, Shri K.N.
 Pangarkar, Shri
 Patel, Shri N.N.
 Patel, Shri P.R.
 Patel, Shri Rajeshwar
 Patel, Sushri Maniben
 Pattabhi Raman, Shri C.R.
 Prabhakar, Shri Naval
 Raghubir Sahai, Shri
 Raj Bahadur, Shri
 Rajiah, Shri
 Ram Garib, Shri
 Ram Saran, Shri
 Ram Shankar Lal, Shri
 Ramananda Tirtha, Swami

Ramaswamy, Shri S.V.
 Ramaswamy, Shri K.S.
 Ramaswamy, Shri P.
 Ramdhan Das, Shri
 Rane, Shri
 Rangarao, Shri
 Rao, Shri Thirumala
 Reddy, Shri Bali
 Reddy, Shri Ramakrishna
 Reddy, Shri Viswanatha
 Roy, Shri Bishwanath
 Sahu, Shri Bhagabat
 Sabu, Shri Rameshwar
 Samanta, Shri S. C.
 Samantsinhar, Dr.
 Sankarapandian, Shri
 Sarhadi, Shri Ajit Singh
 Satyabhama Devi, Shrimati
 Selku, Shri
 Sen, Shri A.K.
 Shah, Shri Manabendra
 Shah, Shrimati Jayaben
 Shankaraiya, Shri
 Sharma, Shri R.C.
 Shivananjappa, Shri
 Shree Narayan Das, Shri
 Siddananjappa, Shri
 Siddiah, Shri
 Singh, Dr. Ram Subbag

Singh, Sardar Jogendra
 Singh, Shri D.P.
 Singh, Shri Daljit
 Singh, Shri Dinesh
 Singh, Shri K.N.
 Singh, Shri Kamal
 Singh, Shri Raghunath
 Singhji, Shri Kerni
 Sinha, Shri Anrudh
 Sinha, Shri K.P.
 Sinha, Shri Satyendra Narayan
 Sinha, Shrimati Tarkeshwari
 Snatak, Shri Nardeo
 Somani, Shri
 Sonavane, Shri
 Subbarayan, Dr. P.
 Sugendhi, Shri

Syed Mahmud, Dr.
 Tariq, Shri A.M.
 Tewari, Shri Dwarikanath
 Thimmaiah, Shri
 Thota, Shri A. M.
 Tiwari, Pandit Babu Lal
 Tiwari, Shri R.S.
 Uike, Shri
 Vedakumari, Kumari M
 Vyas, Shri Radhelal
 Wodeyar, Shri

NOES

Banerjee, Shri S.M.
 Chakravarty, Shrimati Renu
 Daulta, Shri P.S.
 Dharmalingam, Shri
 Elias, Shri Muhammed
 Ghose, Shri Subiman
 alder, Shri

Jadhav, Shri
 Kadiyan, Shri
 Matin, Qazi,
 Menon, Shri Narayanannutt
 Panigrahi, Shri
 Parvathi Krishnan, Shrimati
 Prodhon, Shri B.C.
 Rai, Shri Khushwaqt

Ramam, Shri
 Rao, Shri T.B. Vittal
 Sampath, Shri
 Singh, Shri Braj Raj
 Tangamani, Shri
 Vezma, Shri Ramji
 Warrior, Shri

The motion was adopted.

Mr. Speaker: What are the other amendments?

Shri Nathwani (Sorath): I had amendment No. 40.

Shri P. R. Patel: I moved amendment No. 4 which is to the same effect.

Mr. Speaker: Order, order. Hon. Members will resume their seats and follow the discussion in the House. The amendment reads:

Page 2, line 1, omit "gives or" (4).

The object of this amendment is not to penalise the person who gives dowry.

Let the lobbies be cleared.

Shri Nathwani: I would request you to explain that the Government have left the decision to this House regarding this amendment.

Shri A. K. Sen: I made it quite clear that the Government was against this amendment. Naturally, they have left it to the House, but the Government is of the view that if the giver of the dowry is completely exonerated, the Bill will be shorn of most of its value.

Shrimati Benu Chakravartty: Is this the way we discuss on the floor of this House—whether the Government has a free whip or not? It is up to the House to decide the issue. Why should Shri Nathwani make this point here?

Shri Nathwani: I wish to point out that in his reply to the discussion on clause 3, the hon. Deputy Minister did not say specifically to that effect, but said that he would leave the decision to the House. If I am incorrect, I may be corrected.

Mr. Speaker: Hon. Members will kindly appreciate the scope of my statement. I am entitled to place the amendment before the House for the benefit of hon. Members who were not here. Beyond that, I am not going to be the agent of the Government or of any hon. Member of this House, or of the Opposition also. Therefore, except explaining the nature of the amendment I am not going to say which hon. Member is in favour or is against it. I am not going to repeat what I said just a little earlier.

Shri Jhunjhunwala (Bhagalpur): What is the amendment?

Mr. Speaker: I will again put the amendment to the House. The question is:

page 2, line 1. omit "gives or"
(4)

Under this clause, clause 3, both the giver and the taker of the dowry are penalised. But the amendment is that those who give may be excluded and that they may not be punished.

The Lok Sabha divided.

Shri P. S. Daulta (Jhajjar): My vote may be added for Noes.

Mr. Speaker: Has it been recorded for Ayes?

Shri P. S. Daulta: No. I have voted for Noes, but it is not recorded.

Mr. Speaker: I will add 1 to the Noes.

Pandit Thakur Das Bhargava: I wanted to vote for Ayes, but my vote is not recorded at all.

Mr. Speaker: I will add 1 to the Ayes.

Shri M. M. Gandhi (Panchmahals): My vote may be added to the Noes.

The Deputy Minister of Railways (Shri S. V. Ramaswamy): I pressed the wrong button. My vote is for Noes and not for Ayes.

Mr. Speaker: So, I will subtract 1 from Ayes and add 1 to the Noes.

Shri P. Ramaswamy (Mahbubnagar—Reserved—Sch. Castes): We are six Members on this bench and the machine is not working. We are all for Noes.

Mr. Speaker: Let them stand in their seats.

Sarvashri P. Ramaswamy, Ramakrishna Reddy (Hindupur), Bali Reddy (Markapur), Rajiah (Nalgonda—Reserved—Sch. Castes), Anjanappa (Nellore—Reserved—Sch. Castes) and K. V. Padalu (Gulugonda—Reserved—Sch. Tribes) rose—

Mr. Speaker: I will add 6 to the Noes. The result of the division is as follows:

Ayes *41; Noes 141.

*The figure was corrected as 39, vide Debates dated 9-12-59.

Division No. 71

(12:30 hrs.)

AYES

Abdul Salani, Shri
Achar, Shri
Aday, Dr. M. S.
Bhakti Darsana, Shri
Bhargava, Pandit Thakur Das
Bharucha, Shri Nauskar
Bhawas, Shri Bholanath
Das Gupta, Shri B.
Ghodesar Shri Petchinh
Jain, Shri A. P.
Jhughuawala, Shri
Mathur, Shri Hrish Chandra
Mathur, Shri M. D.
Malin, Qazi
Mitra, Shri R. R.
Mohideen, Shri Gulam

Morarka, S. Shri
Nathwani, Shri
Nayar, Dr. Sushila
Neswi, Shri
pande, Shri C. D.
Patel, Shri P. R.
Pillai, Shri Thiru
Ram Shankar Lal, Shri
Rangarao, Shri
Roy, Shri Bishwanath
Sahu, Shri Bhagabat
Saryabhama Devi, Shrimati
Shah, Shri Manabendra
Shree Narayan Das, Shri

Shukla, Shri Vidya Charan
Singh, Shri Kamal
Singhji, Shri Karni
Sinha, Shri K. P.
Somani, Shri
Sonavane, Shri
Sugandhi, Shri
Tiwari, Pandit Babu
Wodeyar, Shri

NOES

Abdul Lateef, Shri
Abdul Rashid, Bakshi
Ajit Singh, Shri
Anjanappa, Shri
Arumugam, Shri R. S.
Ayyakannu, Shri
Balakrishnan, Shri
Banerjee, Shri S. M.
Banerjee, Shri P. B.
Basappa, Shri
Bastumati, Shri
Bhagavati, Shri
Bhatkar, Shri
Bhattacharya, Shri G. K.
Blat, Shri J. B. S.
Borouah, Shri P. C.
Brahm Prakash, Ch
Chakravarty, Shrimati Renu
Chandramani Kalo, Shri
Chaturvedi, Shri
Daulte, Shri P. S.
Deb, Shri N. M.
Dharmalingam, Shri
Dube, Shri Mulchand
Dwivedi, Shri M. L.
Bacharan, Shri V.
Elias, Shri Muhammed
Ganapathy, Shri
Gandhi, Shri M. M.
Ganpati Ram, Shri
Ghose, Shri Subiman
Ghosh, Shri M. K.
Gounder, Shri K. Periaswami
Govind Das, Seth
Gupta, Shri Ram Krishan
Hajarnavis, Shri
Haldar, Shri
Hathi, Shri
Hazarika, Shri J. N.
Heda, Shri
Jadhav, Shri
Jena, Shri K. C.
Jinachandran, Shri
Jondra Sen, Shri

Joshi, Shri A. C.
Jyotishi, Pandit J. P.
Karmarkar, Shri
Kastilwal, Shri
Khan, Shri Osman Ali
Khan, Shri Sadath Ali
Khedkar, Dr. G. B.
Kiledar, Shri R. S.
Kodiyar, Shri
Laxmi Bai, Shrimati
Malida Ahmed, Shrimati
Mahagaonkar, Shri
Maiti, Shri N. B.
Mahadeo Prasad, Shri
Malhotra, Shri Inder J.
Malviya, Shri K. B.
Manyangadan, Shri
Manjula Devi, Shrimati
Mehdi, Shri S. A.
Mehta, Shrimati Krishna
Menon, Shri Narayanankutty
Mitra, Shri B. D.
Murmu, Shri Paika
Musafir, Ginni, G. S.
Muthukrishnan, Shri
Nadar, Shri Thanulingam
Nair, Shri Kuttikrishnan
Naldurgkar, Shri
Nanjappa, Shri
Narasimhan, Shri
Naskar, Shri P. S.
Nayar, Shri V. P.
Negi, Shri Nek Ram
Nehru, Shrimati Uma
Oankar Lal, Shri
Padalu, Shri K. V.
Pandey, Shri K. N.
Pangarkar, Shri
Panigrahi, Shri
Parvathi Krishnan, Shrimati
Patel, Shri N. N.
Patel, Sushri Maniben
Pattabhi Raman, Shri C. R.
Prabhakar, Shri Neval

Proddan, Shri B. C.
Raghuramalah, Shri
Raj, Shri Khushwaqt
Raj Bahadur, Shri
Rajiah, Shri
Ram Satna, Shri
Ramam, Shri
Ramananda Tirtha, Swami
Ramaswamy, Shri S. V.
Ramaswamy, Shri K. S.
Ramaswamy, Shri P.
Ramdhani Das, Shri
Rane, Shri
Rao, Shri T. B. Vittal
Rao, Shri Thirumala
Reddy, Shri Bali
Reddy, Shri Ramakrishna
Reddy, Shri Viswennatha
Sahu, Shri Ramaswar
Saigal, Sardar A. S.
Samentinhar, Dr.
Sankarapandian, Shri
Sarhad, Shri Ajit Singh
Selku, Shri
Sen, Shri A. K.
Shankaraiya, Shri
Sharma, Pandit K. L.
Sharma, Shri R. C.
Shivannajappa, Shri
Siddanajappa, Shri
Siddhar, Shri
Singh, Dr. Ram Subbag
Singh, Sardar Jogendra
Singh, Shri Braj Raj
Singh, Shri D. P.
Singh, Shri Daljit
Singh, Shri Dinesh
Singh, Shri K. N.
Singh, Shri Raghunath
Sinha, Shri Anirudh
Snatak, Shri Nardoo
Subbarayan, Dr. P.
Subramanyam, Shri T.

Tangamani, Shri
Tariq, Shri A. M.
Thimmaiah, Shri

Tiwari, Shri R. S.
Tiwari, Pandit D. N.
Uike, Shri
Vedakumari, Kumari M.

Verma, Shri Ramji
Vyasa, Shri Radhelal
Warior, Shri

The motion was negatived

Mr. Speaker: I shall now put all other amendments.

Amendments Nos. 5, 20, 70, 25, 26, 64, 65 and 60 were put and negatived.

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill".

The motion was adopted.

Clause 3, as amended, was added to the Bill.

*Clause 2 (Definition of "dowry")—
contd.*

Mr. Speaker: We will now finish clause 2.

Pandit Thakur Das Bhargava (Hisar): Yesterday we indicated a number of amendments. Are we allowed to speak on them?

Mr. Speaker: All those amendments are there. I will call the hon. Members one by one. First of all, let me ask the hon. Minister if he has moved his amendment.

Shri Hajarnavis: I have moved my amendment.

Mr. Speaker: Does he want to speak on it now?

Shri Hajarnavis: I should like to reply after I have heard the other hon. Members.

Shri Aurobindo Ghosal (Uluberia): I would like to move my amendment.

Mr. Speaker: I am not going to allow amendments to be moved afresh. Whoever has given the numbers of the amendments and which have been recorded, I will allow only those amendments. I will allow those hon. Members to refer to those amendments. No fresh amendments will be allowed.

Shri Narayanankutty Menon (Mukandapuram): I would like to speak on my amendment No. 7. Before submitting our views and the details of the amendments moved by us, we wish to oppose the amendment moved by the hon. Minister tooth and nail. Sir, the Bill was referred to a Joint Committee, of which both the hon. Minister and the hon. Deputy Minister were members. When this Bill was introduced, we were under the impression that the hon. Minister really wanted to check this pernicious system of dowry and we extended all our co-operation, in order to see that the legislation is made as foolproof as possible. But considering some of the vital amendments moved by Government, we are compelled to think that there is an ignominious surrender; some of the ideas are most reactionary and they make this piece of legislation a laughing-stock before the people, because nothing that we seek to prevent will be prevented by this legislation.

The amendment that has been moved by Government today will legalise dowry wherever dowry has been paid by custom. In India today dowry has become a custom as far as the people are concerned and in exercise of the right of this custom, bridegrooms and their fathers are demanding dowry. We wanted to prevent that evil custom, but the Government's amendment tantamounts to legalising dowry where that dowry has been paid by custom. This will completely nullify the entire provisions of the Bill.

If the hon. Minister is serious about this amendment and if he is to be honest to himself, to his party and to the House, I would request him to withdraw the entire Bill and tell the House that the Government is not prepared to bring forward a measure like that and implement it. But there is no way of going back from

[Shri Narayanankutty Menon]

the amendments moved and adopted in the Joint Committee. The Joint Committee deliberated over this Bill for days and days together. There was ample time for Government to push forward these viewpoints before the Committee. The hon. Minister who represented the Government on the Joint Committee agreed with this particular definition and we are only supporting the definition almost unanimously recommended by the Joint Committee. After deliberating for so many days in the Joint Committee, I fail to understand what made the hon. Minister go back and move this amendment. Is it because the hon. mover of the motion commending the Bill to the Joint Committee all on a sudden decided to change his viewpoint about the pernicious system of dowry or has he realised that the legislation is too hard as far as certain sections of his party are concerned? If that is so, let him tell so honestly, so that this hon. House, which gives so much weight to the recommendation of the Joint Committee may realise that Government have gone back upon their own promise and declaration, as far as the introduction of the Bill is concerned. Therefore, I make an honest appeal to the hon. Minister that if he is really serious about checking this pernicious system of dowry, if he attaches even one per cent of value to his own declaration, which he made both on the floor of the House and outside, he should withdraw this amendment and allow the Bill to be passed as it is, or if he now realises that the time has not come for the Congress Party to pass this legislation, let him withdraw the entire legislation and come forward with another consolidated piece of legislation to check this pernicious system of dowry. Otherwise, I say with all seriousness that if this House passes a legislation like this, people outside will think...

Shri A. K. Sen: Perhaps I may state it at this stage that this was only a suggestion and the Govern-

ment is not committed to pressing this amendment. There were a lot of apprehensions about the scope of the definition. So, I may make it quite clear at the very outset that we are not committed to this amendment. It is only for consideration of the House and if the House is really against the amendment, we shall not press it.

Shri Narayanankutty Menon: I am glad.

Mr. Speaker: For the benefit of hon. Members I may state that yesterday Shrimati Renu Chakravartty stated that the original clause does not cover the case of a practice prevailing in Bengal of the father being obliged to give so much of gold to the daughter. The words used in the clause are:

"to one party to a marriage or to any other person on behalf of such party by the other party to the marriage or by any other person on behalf of such other party".

The hon. Member said that if it is forced from the parent itself "other party" does not come into the question. Therefore, some provision should be made. I thought this has been made for that.

Shri A. K. Sen: Exactly.

Mr. Speaker: If this explanation is not there, it would mean that even the parent cannot give anything. Now, it is the custom in some places to give some ornaments etc. at the time of the marriage. The idea of the Government evidently is to make the position quite clear. I do not think the Government wanted to go back. In fact, this is in pursuance of the suggestion made by the hon. Members. Of course, if the language does not carry out the intention, the hon. Minister will have to look into it.

Shri A. K. Sen: As the hon. Member, Shrimati Renu Chakravartty, pointed out, there are certain States

where certain customary presents are absolutely obligatory at the time of marriage; for instance, the *mangal-sutra* in Maharashtra and *Loha* and *sanka* in Bengal. There are many other presents which are customary and which should be given as part of the religious ceremony. The whole purpose of this amendment is to cover those cases.

Pandit Thakur Das Bhargava: May I ask one question? Is the Law Minister, or the Deputy Law Minister bound by the amendment or not? As a matter of fact, when the Bill was brought here, when it was referred to the Joint Committee, the hon. Law Minister was pleased to state that *stridhan* is not included in dowry. So far as the voluntary gifts are concerned, the hon. Deputy Minister said the same thing. Now understand what is the real of the hon. Law Minister, and was saying that they withdraw the Bill as the of the Joint Committee can not ly supported. I think that is the mark.

Mr. Speaker: The hon. Member will have an opportunity to have his say.

Shri Narayanankutty Menon: I did not say that there is anything technically wrong in referring it back to the Joint Committee. If this explanation is accepted, if it is added to the clause, the difficulty, first of all, will be of proving whether the presents made, or property handed over, was in consideration of the marriage. As it is a subjective satisfaction whether it is "in consideration of the marriage", there is already a difficulty in defining "dowry" and also bringing home the guilt of the particular accused, as "in consideration of the marriage" entirely depends upon the mental condition of the accused; that is, whether he thinks that property has been given in consideration of the marriage. Suppose he comes forward and says "this is in consideration for my love and affection".

Mr. Speaker: Let us come to an extreme case, the exchange of rings, which is the tradition in almost all parts of the country. One party gives it to the other party, and it is for the purpose of the marriage. Without the explanation, even that will become an offence.

Shrimati Renu Chakravartty: There is an amendment by Shri Jadhav on this point.

Shri Narayanankutty Menon: We want to make it clear what our view is on the Government amendment.

Mr. Speaker: I believe the intention is to restrict and avoid anything being given by way of extortion, at the same time, excluding other smaller ones which, by custom and habit, will form a necessary part of the marriage ceremony. So, it is only the language of the explanation that has to be considered.

Shri Narayanankutty Menon: If that is the intention, and if it is possible by incorporating this explanation to carry out that intention, there is no objection to that. But what I am pointing out is that there is a danger inherent in the explanation itself, because even dowry which has been paid or given at the time of the marriage will be legalised by this explanation. Because, already the inherent danger of not being able to prove whether it was a consideration for the marriage or not is there. The position is complicated even as it is. By the addition of this explanation the position becomes more complicated, because there is the use of the word "custom" and it is difficult to prove what is sanctioned by custom. Therefore, my submission is that if this explanation is added to the clause, it would be impossible to bring anybody to book for the offence of giving dowry.

Shri C. E. Pattabhi Raman (Kumbakonam): May I explain the position?

Mr. Speaker: I will give the hon. Member another opportunity. By this cross explanation hon. Members will lose the benefit of impressing the House. People will take it as some objection, intervention or obstruction and will not pay heed to what the hon. Member says, however interesting or good it might be.

Shri Narayanankutty Menon: In respect of this clause, as recommended by the Joint Committee, we have suggested another amendment, and I should like hon. Members to consider amendment No. 7. As far as amendment No. 7 is concerned, what would be the difficulty in defining "dowry" and what would be the inherent danger as far as that definition is concerned? If the intention is to prohibit the giving of dowry, at the same time legalising certain customs of giving presents alone, even then by definition it could be done, instead of adding an explanatory clause, which is a long and complicated one which is full of danger to both those are giving and receiving dowry. Therefore, I appeal to the hon. Minister that in order to carry out the intention of the Bill, which factor itself is a very complicated, difficult and composite one, to accept my amendment, which is so simple in character, in order to lessen the difficulties of the prosecution in a particular case. I hope that when the hon. Minister explained that the Government does not stand committed to the amendment moved by the hon. Minister, and the intention of the Government is only not to penalise certain custom which is existing in West Bengal...

Shri A. K. Sen: Not in Bengal alone but all over the country; I never said West Bengal.

Shri Narayanankutty Menon: Then the matter is so clear. If the custom prevalent all over the country of paying presents at the time of the marriage by those who are related are to be legalised, we fail to understand

what is the definition of dowry. It is said that what is going to be prevented is the extortion of money; that means, making it a term of the contract. If my son wants to marry and you pay that money, there is absolutely no difference at all between paying that particular amount to the bridegroom at that time or some other time, or making a differentiation between dowry and gift.

I have pointed out how the Joint Committee deleted the exemption clause of Rs. 2,000. I find from the minutes that there was deliberation in the Joint Committee and the members of the Joint Committee were not agreeable for presents up to a value of Rs. 2,000 to be exempted from the penal provisions of the Bill. What was the intention of the Joint Committee? The intention was very clear; the Joint Committee was not prepared even to allow gifts or presents which were provided in the original Bill as moved by the hon. Minister on the floor of this House, namely, up to a value of Rs. 2,000. The intention was quite clear: if the exemption was there of presents worth Rs. 2,000, in almost all middle-class families the system of dowry will continue.

So, in consonance with the recommendations of the Joint Committee in deleting the clause about presents worth Rs. 2,000, this explanation will not stand. This explanation, as moved by the hon. Minister, is an indirect way of restoring the exemption clause which has been rejected by the joint Committee, and that is why I say that this is legalising a custom which has already been rejected by the Joint Committee, by their rejecting the exemption clause of Rs. 2,000. Therefore, I would submit that if we pass this legislation as it is, some way or the other, at least in some direction the giving and taking of dowry is prevented. But if we in this House itself provide loopholes in order that anybody who asks dowry, or who takes dowry can escape, there is no

point in passing this Bill. Therefore, if the intention of the Government is, as explained by the hon. Minister, to see that this pernicious system of dowry is removed, then this explanation will not help them and this will give a blanket moratorium to pay dowry, to get dowry and to ask for dowry. Therefore, this explanation is very much dangerous. A better explanation in which the view of the Joint Committee will be reflected including their rejection of the Rs 2000 exemption should be accepted by the Government. I do not think that any feasible argument could be put forward or difficulties could be put forward whereby the other provisions of the Bill will be defeated by giving a simpler explanation of that point.

Shri Nathwani: I have moved two amendments to clause 2. Before I come to that, I would like to deal with the amendment moved by the hon. Minister. As regards the explanation, difficulty is caused by the use of the words custom or usage. Whereas the hon. Minister was pleased to say that the intention is to cover those cases where something is given which is considered as auspicious, and not something which is extorted by one party from the other. But, as the words stand, custom or usage will include the custom of dowry also. In one breath he says that dowry is a custom though an evil one and when used in the explanation, he wants to restrict it to presents given at the time of marriage which are considered very auspicious and which are not objected to by anybody and which are within their means. For instance, in my part, there is a custom of giving something, some ornaments known as *mangal sutra*, nose ring and ear ring, which do not cost much and which everybody accepts that no hardship is involved. It is considered part of religious ceremony. But when we look at the Explanation as it stands, even if we read it in the sense in which it is sought to be read by the

Mover, it is superfluous. It says something which is covered by the main part, that is unless it is given as consideration. If presents which are customary or given in accordance with usage mean only those which are not in the nature of extortion, which are not given by way consideration, the same provision is made by the substantive or main part. I do not see any justification for adding the Explanation. Therefore, just for the sake of a change, I would support what my hon. friend Shri Narayanankutty Menon has just now said, It is likely otherwise to cause confusion. Therefore, the Explanation is not necessary at all. It will lead to confusion and it may stifle or defeat the whole purpose of the Bill. Custom or usage may be interpreted or construed as dowry which is also customary, which also obtains as a practice in many parts.

Then, I come to my two amendments. They are small ones but they are important: amendment Nos. 39 and 48. First I will deal with amendment No. 48. In clause 2 it is stated when any property is given by either party to the other party or to some other person on behalf of that other party. I am objecting to the use of the words "on behalf of the other party". Suppose the father of the girl gives a sum of money, say Rs 10,000 to the father of the bridegroom. The father of the bridegroom receives it on his own. He does not receive it on behalf of the bridegroom.

Mr. Speaker: Is this an amendment to the amendment?

Shri Nathwani: It is an amendment to the original clause 2. In the amendment itself, you will see that the same words occur

Mr. Speaker: I agree. Now that the Government has got this amendment, any amendment to this amendment will be all right.

Shri Nathwani: If you look at clause 2 (b), it says:

"by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person on behalf of either party;"

The expression "on behalf of either party" occurs also in the amendment. I am objecting to the use of the words "on behalf of either party". If moneys are given by one party or on behalf of one party to the other party or to any other person, then it should be made punishable. Then, it should be treated as dowry. You need not say that the other person, namely the father or parent or guardian of the bridegroom receiving it must receive it on behalf of the bridegroom. I am taking this illustration to make clear my point of view.

Mr. Speaker: The word 'bridegroom or spouse' is not used in the Government amendment. By one party to a marriage to the other party—it only means the bride and the bridegroom.

Shri Nathwani: It may be either the bride or the bridegroom. Suppose the father of the bride or the bridegroom receives the money. The second point is, he should receive it on behalf of the bride or the bridegroom.

Mr. Speaker: What else is it?

Shri Nathwani: He may receive on his own account. He keeps it with himself

Mr. Speaker: There is no such case. If the boy refuses to marry? It is as if this man is going to marry.

Shri Nathwani: It is not always the boy who receives the money.

Mr. Speaker: It is in consideration of the boy marrying the girl. It is not on account of the old man appearing on the stage.

Shri Nathwani: Amendment refers to money given either to the bridegroom or the bride or to some other person on his behalf. Therefore, whatever is given is held in trust by the recipient for the bride or the bridegroom. That is what the section requires. Here, in practice, the father or the guardian receives it for himself in consideration of his son agreeing to marry the other party. That is the force of my contention. Suppose the section stands as it is and a prosecution is launched. X is the father. If you try to follow my argument perhaps, my point of view may become clear. I take a concrete case. Suppose the father of the bridegroom received Rs. 20,000 before he allows his son to agree or his son agrees to the marriage. The prosecution is launched. The father would say that the section requires that he should receive on behalf of his son. The money is in my hands for himself. The section says, it should be received by him on behalf of bridegroom. Nothing doing. He has not received on his behalf. Bridegroom does not claim it. I do not say that I have received it on behalf of his son. He has no claim to anything from this. He is receiving it on my own.

Mr. Speaker: But, it is in consideration of the marriage.

Shri Nathwani: Certainly in consideration. But, he does not receive on behalf of a party to the marriage.

Mr. Speaker: Does anybody believe that the father will be given money in consideration of the marriage and not on behalf of the son?

Shri P. R. Patel: It is not possible to settle a marriage. The father of the son says, you must give me Rs. 5000; not to the girl or the boy, but you must give me. What will happen? It is not on behalf of the girl or boy.

Mr. Speaker: Well; let the hon. Member go on.

Shri Nathwani: According to me, even if the hon. Minister . . .

Shri A. K. Sen: I think there is some substance in what Shri Nathwani says. There is a possibility of the father receiving money, not on behalf of his son or daughter, but on his own behalf, in consideration of the marriage of the two.

13 hrs.

Shri Nathwani: I am glad that the hon. Minister says there is some force. I will leave it at that. To me it appears that otherwise there is a lacuna which may be taken advantage of.

Shri Subiman Ghose (Burdwan): It is full of lacunae.

Shri Nathwani: We must try to cover them up as far as possible. We may argue here, that is all. It is not for anyone of us to say that certain thing must be done, or must be accepted.

Then I come to my amendment 39. Again an amendment is sought to be made with a view to cover a loophole. If you see the original clause 2 or even the amendment, you will see that the property is to be received or given by one party to a marriage to the other party to the marriage. I emphasize the words "party to the marriage". At the time of betrothal there is no marriage, that must be borne in mind. There are two stages. There may be betrothal and at a later stage there is marriage. So, a party to a betrothal does not necessarily become a party to a marriage. Marriage may take place after some time. The words "betrothal" and "marriage" occur in the clause itself, and they are used for different purposes. Suppose at the time of betrothal the bridegroom or the bride has received presents as consideration. Can you say that at that stage an offence has been committed? The marriage may take place a year hence, and under clause 7 a complaint has to be lodged within a year. If anybody were to ask my advice as a practising lawyer, then I would say...

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Shri Narayanankutty Menon: Don't tell it now.

Shri Nathwani: With a view to convince the Members about the cogency of my argument I am taking this illustration. Do not think otherwise.

Shri Narayanankutty Menon: If your amendment is not accepted, this will be taken.

Shri Nathwani: Nobody will come and consult me, don't worry about that. But suppose at the time of betrothal a gift is made, then the marriage has not taken place, and it may take place a year after the betrothal.

Shri P. R. Patel: After one year.

Shri C. D. Pande (Naini Tal): Or does not take place at all.

Shri Nathwani: At that stage I submit no offence has been created.

Mr. Speaker: Therefore, what is his suggestion?

Shri Nathwani: The suggestion is to add the words "betrothal or" after the words "party to a". In the Bill that was moved by Shrimati Renuka Ray both the words were there.

Shri C. D. Pande: May I ask him one question? In case the betrothal takes place and the money is passed on, and the marriage does not take place, is it an offence? Marriage is the main thing; not the betrothal for constituting an offence.

Shri Morarka (Jhunjhunu): Dowry is the main thing.

Shri Nathwani: Then the whole purpose will be defeated. If it is the intention that unless the marriage takes place, though the consideration is given, no offence will be deemed to have been committed, certainly the purpose would be defeated, because the marriage may take place after a year, you can defer or postpone it and circumvent the provisions of the Bill.

Shri A. K. Sen: That is ignoring practicalities.

Shri Narayanankutty Menon: All betrothal will be before 1½ years.

Shri Nathwani: Therefore, this is my second point.

Shri C. K. Bhattacharya (West Dinajpur): That would happen if they take the advice of lawyers.

Shri Nathwani: If the intention is that even if the marriage does not take place and at the time of betrothal some consideration is given, it should be punished, then it is better to make the intention clear.

You must bear in mind one thing. This is a penal statute. Though we have now softened the rigour of the punishment, still it would involve serious consequences, and a penal statute is always construed very strictly in favour of the accused persons, and if you leave a lacuna, the whole purpose would be defeated. I have very little doubt about that.

Now I come to a third point, a minor change, and I have moved it to satisfy my lawyer's conscience, not that of a legislator. If you see clause (b) in the proposed amendment 82, it says "by the parents of either party to a marriage or by any other person". It is a verbal change that I am suggesting. "By any other person" is wide enough to include the parents of either party, and I am pleading for the deletion of the words in the beginning "by the parents of either party to a marriage or". That would lead to elegance. I believe elegance is not the virtue only of tailors and cobblers, but it is also the virtue of a legal draftsman. That is all I have to say.

Pandit Thakur Das Bhargava: Clause 2 is the soul of this Bill, and unless and until this word "dowry" is rightly defined, it would help neither zealous reformers nor even those who are called reactionaries in

this House, because, after all, we must have a balance between the two views. The two views are: that dowry by itself, even ornaments etc., which are customarily given, should not be allowed to be given; that unless the parent is extortionate, no offence is committed. The hon. Minister proposed an amendment to reconcile both these views. He said that presents would not constitute dowry, but he added a qualification that the presents should not be as a consideration for marriage. It appears some objection has been taken to this also.

If, as the Law Minister said when he was referring the Bill to the Joint Committee, which he has repeated again, that *stridhan* is allowed, let us consider how it is given. It is only given at the time of marriage. It is generally given either by the father of the bridegroom or in some places by the parents of the girl. It is not given so that the marriage may take place, as a consideration. What is consideration after all?—something that one party gives to the other because of which the marriage takes place. This is not consideration for the marriage. The father of the bridegroom always gives some ornaments to the bride and that is *stridhan* for her whole life. The same is the case with the ornaments given by the parents. According to the Law Minister that is excluded. In the two Bills proposed in Bihar and Andhra also it is excluded. It is common ground, everybody agrees, and one lady Member also said that *stridhan* ought to be excluded. How can that be effectuated if the original definition stands? Even the sum of Rs. 2,000 given in the original Bill as the total amount was taken away by the Joint Committee from which it is clear that even presents are not allowed, though presents which are on the occasion of marriage, are not given as consideration. According to this definition, nothing will be allowed. The explanation of the hon. Deputy Minister that presents are allowed, unless

given as consideration for the marriage, was a good one, but it appears that some of my friends are very persistent that whatever the Joint Committee has done is sacrosanct.

After all, the motion is that the report of the Joint Committee be taken into consideration, which means that what will be binding is what this House decides, not what the Joint Committee did. If the Joint Committee did one thing, and the hon. Law Minister now proposes an amendment, what is wrong? Why should Shri Menon take exception to it and insist that no person can say a word against what the Joint Committee has done? What are we here for? We are here only to see that whatever the Joint Committee has done is according to the public opinion in this country and according to what all the Members accept. Therefore, on a matter like this there should not be such insistence, and nobody should have a right to criticise the Law Minister if he proposes an amendment to the clause.

In the proposed amendment, it is stated:

"In this Act, "dowry" means any property or valuable security given or agreed to be given—

(a) by one party to a marriage to the other party to the marriage;"

In regard to this, I had something to say at the time when the Bill was referred to the Joint Committee. I submitted that so far as the conditions of marriage between a husband and wife are concerned, they are sacrosanct and must be reserved. A husband and a wife have a right to contract between themselves whatever they like. Though among the Hindus, marriage is regarded as a sacrament, yet, at the same time, there are always conditions to a marriage. There is nothing wrong if a

husband pays something to his wife or the wife pays something to her husband.

Now, what has been done in this Bill? So far as the Muslims marriages are concerned, it is specifically provided in this Bill:

...but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies."

What is sacrosanct about it? So far as our Constitution goes, it enjoins on us to have a uniform civil code for the whole of India. But so far as the Muslim marriages are concerned, they are excluded from the scope of this Bill. I do not object to that. I say that as between a husband and a wife, if there is a condition to give mahr or dower, it should be allowed. I am not opposed to it not because it is their personal law, but because it is a very natural thing. After all, what is mahr or dower? It is a gift given at the time of marriage, or deferred dower; and deferred dower is what the husband is liable to give when he gives divorce to the woman. That is all. It means that gifts by the husband to the wife are allowed under the Muslim law, and they are called mahr or dower. What is wrong with it if it is applied to Hindus also? The hon. Minister was pleased to say that there are poor Muslim girls, and in their case, this should be allowed. May I submit that there are poor girls not only among Muslims but even among the Hindus, and, therefore, the question of poverty should not be brought in here? If the husband wants to pay anything to his wife, either in the shape of ornaments or anything else, what is wrong with it? Can it be called dowry? Should a wife be forced not to marry or imprisoned because that is given? If the wife agrees and accepts some ornaments, there is nothing wrong about it. I am rather surprised. I quoted a Sanskrit sloka on the last occasion to show that among Hindus also, a husband is always allowed to give whatever he likes to his wife. This

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is not called dowry. Dowry is not a thing which a husband gives to his wife or a wife gives to her husband. Dowry is what the father of the bridegroom gets in order to induce his son to marry. And it is there that we want to eliminate the element of extortion. We do not want to eliminate all sorts of gifts. We only want to see that at the time of marriage, persons do not come with bloated faces, almost in sorrow, without any happiness and without any sort of gifts. But, according to the definition in the Bill, even the food given at the time of marriage will become dowry; after all, it is a gift and it is given in consideration of marriage.

Shri A. K. Sen: Has the hon. Member any daughter to marry?

Pandit Thakur Das Bhargava: Let not the hon Minister worry for me. So far as I am concerned, I have already given my daughter in marriage.

Shri A. K. Sen: I half-suspected that.

Pandit Thakur Das Bhargava: I may say that I gave a dowry, and the dowry was also received on behalf of the father of the bridegroom. (An Hon. Member: Shame!) That was perhaps before this Parliament came into existence, long before many of my hon. friends here were even born. I celebrated this marriage in 1927 and this happens in every marriage in North India.

Now, the point is this. Suppose a person wants to give something by way of entertainment to a party to a marriage, then, what will happen? So far as the wording in the Bill goes, even that entertainment will become a dowry; even the food given in a party on the occasion of the marriage will become a dowry. I am opposed to it. Similarly, in certain parts of the country, the giving of the *mangalsutra* is a custom, while in other parts, the *mangalsutra* is not given but other things are given.....

Mr. Speaker: I think there is full agreement regarding this. Nobody wants to penalise those customary or normal gifts, but in the guise of presenting normal gifts, an extortion ought not to be made; at the same time, in the guise of making an extortion, normal gifts ought not to be denied. The difficulty is how to find the mean.

Pandit Thakur Das Bhargava: Therefore, the hon. Minister's amendment is a sort of balance between the two. I had also given notice of a similar amendment.

Shri Jadhav (Malegaon): A schedule should be prepared of the customary gifts.

Mr. Speaker: The courts will take into account the customs in each place and decide what is reasonable custom.

Pandit Thakur Das Bhargava: If you will be pleased to see my amendment, namely amendment No. 15, you will find that I had also said a similar thing. If any person wants to give dowry, and wants only to take the pretence of giving some ornaments for Rs. 10,000, then also, according to my hon. friend Shri Narayanankutty Menon, it is a sort of subterfuge to pass on dowry in the form of presents, and that should be excluded. In fact, that is excluded by the amendment of the hon. Law Minister as well as my amendment where also I have stated a similar thing. If it is given by way of consideration, as a consideration, then, it should be penalised.

Mr. Speaker: If the father is worth a crore of rupees, why should he not give Rs. 10,000 to his daughter? But it becomes a dangerous thing if the father is a poor man and he is forced to give Rs. 10,000 to his daughter. Now, whatever legislation may be passed, this legislation will be vetted by the Supreme Court, for it will go

up to the Supreme Court. Everywhere, there is the question of discretion to the judge as to what is extortion and what is not extortion.

Pandit Thakur Das Bhargava: Let us not forget what we want to penalise. If something is extorted from a person by the father of the bridegroom or by the bridegroom or by any other person on his behalf, then we must penalise that thing, not everything that is given. Therefore, I have submitted that dowry by itself is not bad. Only that part of the dowry is bad which is extorted from a person by way of dowry. Therefore, I have submitted that the reasonable financial competence of the person concerned should be taken into consideration. But if you are going to say that he cannot give at all, then, I say that that is going too far.

Shri Subiman Ghose: What is the demarcating line?

Pandit Thakur Das Bhargava: The difficulty is this, and in fact, I made this submission some time back also. The court shall have to go into the question as to the reasonable financial competence of the person concerned. The court will have to go into the question whether the present is not due as such, whether it is given according to custom or not.

Anyhow, the real difficulty arises if we cannot define consideration. What is consideration? I beg to ask the hon. Law Minister. In fact, I had asked this question at the time when the Bill was being referred to the Joint Committee also. What is consideration? And what amount should be considered as consideration? For, at the time of marriage, whatever is given is given in consideration of the marriage, not as consideration. It is given in consideration, but not as consideration. It means that if the marriage would not have been performed but for the present, then it is consideration, if, on the other hand, the marriage would have been

performed, whether the presents were given or not, then the presents are only an incidental thing, and they do not amount to consideration. This is the real difference.

So far as equality of rights is concerned, you should give the same right to the Muslim girl as to the Hindu girl. A Hindu girl is also entitled to receive from her husband just as a Muslim girl is entitled to receive from her husband. So far as the husband and wife are concerned, I do not think it is right to penalise any sort of gifts whatsoever. Therefore, I have moved an amendment to the effect:

"but does not include any settlement or gift of any property from one spouse to the other".

That is, I have stated that that should not be treated as dowry. This is absolutely fundamental, to my mind, because, otherwise, it would mean putting some restriction on the wife as well as the husband. And to whom will it go? According to clause 6, whatever is given by way of dowry, even if it is given by the wife to the husband, must go back to the wife; according to this clause, everything will go to the wife; in other words, even if the wife gives something to her husband, it shall revert back to the wife. I ask: What is wrong with it? What is wrong if a wife gives something to her husband? You are only penalising the woman under this clause. Do you want that if the husband gives to his wife something, and she accepts it, then the wife must be sent to jail, and the husband also must be sent to jail? I cannot understand what logic is there behind this. What are the zealous reformers thinking about this? Suppose, even hundred rupees are given, or even some bangles or a necklace etc. are given; and we know that our ladies love these ornaments very much; suppose a necklace is given by the husband to his wife before marriage, or after marriage, or during marriage, or at any time, then what is to happen? Do

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you want that both of them must be sent to jail?

An Hon. Member: Why not?

Pandit Thakur Das Bhargava:

Suppose, before the marriage, a husband gives something to his wife, he would not be giving it to her as a wife; but, if at the time of marriage, he is giving it, then it is in consideration of marriage, not as consideration for marriage, but in consideration of marriage.

Shri Subiman Ghose: There is want of *mens rea* there.

Pandit Thakur Das Bhargava:

My hon. friend speaks of *mens rea*. When I submitted that reasonable financial competence should be the guiding thing, and that should be allowed, there was no *mens rea* then. *Mens rea* comes in only when a person wants to extort. But my hon. friend in his zeal wants to take away all the principles of legal jurisprudence and blow them off. My humble submission is that in all fairness, if you want to penalise what the whole House wants you to penalise, then the only way would be to put in this expression 'beyond the reasonable financial competence of the person giving'; that would be all right. Then only you are penalising extortion. Otherwise, you are penalising very ordinary things which happen everyday in life. The husband gets something or the wife gets something.

Therefore, I submit that the words 'dower or *mahr*' in clause 2 should be taken away and the general thing should be restored that any gift by the husband is not dowry. That will also cover dower or *mahr*—everything—and it will be applicable to the whole of India and to all—Hindus, Muslims and everybody else.

With regard to amendment No. 19, I submit that even the presents etc. mentioned there are not given as consideration. So those words in the clause are superfluous. Either you say that it is on account of undue influ-

ence or extortion or it is the other way.

Mr. Speaker: What are the amendments of the hon. Member?

Pandit Thakur Das Bhargava:

My amendment Nos. are 15, 16, 17, 18, 19, 67 and 68.

Mr. Speaker: Shri Narayanankutty Menon has already moved amendment No. 7. Shri Nathwani has moved amendments Nos. 39 and 48.

We have already exceeded the time by one hour now. I suggest that an hon. Member may move for extension of the time by one hour, to which we agreed, and then conclude the discussion. I am not going to allow more than five minutes to each hon. Member who moved his amendments.

Shri P. R. Patel: I have two amendments.

Shri Narayanankutty Menon: Being an experienced lawyer, Pandit Thakur Das Bhargava may be kind enough to tell the House what, in his opinion, will be the ingredients of the offence of giving dowry. Then it will be easy to proceed.

Mr. Speaker: The difficulty is that he has already spoken so long, and I may not be able to give opportunities to other hon. Members.

Pandit Thakur Das Bhargava: I will finish in a minute.

Really, the offence, according to me, consists in the fact that a certain person obliges another person, the father of the bride, to part with money which he would not be willing to part with with love and affection. He wants to extort something. That is the gravamen of the offence.

To sum up, I think the entire House is agreed on two principles. One is that the payment of dowry, if it has got an element of coercion or extortion, must be penalised. We are all agreed on that. I am as anxious as my hon. friend, Shri Narayanankutty Menon, about that. At the same time,

I am also of the view that so far as customary presents or presents out of love and affection are concerned, they ought to be excluded. They should never form the basis for action. I am also clear in my mind about another thing. I think Shri Narayanankutty Menon also agrees to a certain extent regarding that. The difference between him and me is this. He agrees only in respect of auspicious presents which are required at the time of marriage. Further, he says that the present may be given as consideration but clothed in a different manner. I also say the same thing. If they are clothed in that way, then treat them as dowry. I do not mind. So we are all agreed, but yet we are fighting. I do not know why. It may be that our minds are not clear. In all the amendments I have placed before the House, this is the background in my mind. So far as the question of presents by the husband or wife are concerned, they ought to be excluded. They should be allowed to give whatever they like. As I submitted, a woman is entitled to marry any person she likes, whatever be the reason.

13-24 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

So by having a provision like this, you are really putting an obstacle in her choice. Suppose a woman wants to marry a rich man. What is wrong about it? Suppose a rich man wants to marry a girl who is not rich but otherwise, in his opinion, is the most excellent girl in the world. What obstacle should be there? Do not put any obstacles in their way. To put any obstacle is entirely wrong in principle.

Therefore, the gifts between husband and wife should be excluded. If it is excluded in the case of Muslims, it should be so in the case of Hindus also. So these amendments should not be brushed aside in the manner that my hon. friend, Shri Narayanankutty Menon, has suggest-

ed. Both the hon. Ministers have put this question before the House in a very real way. I admire them for taking the right view, but I am sorry that their views are not being accepted. On the contrary, they are being forced to accept this or that.

Shri Raghubir Sahai: I beg to move:

"That the time allotted by the House on the 26th November, 1959 (*vide* the Forty-fifth Report of the Business Advisory Committee) for consideration and passing of the Dowry Prohibition Bill, 1959, as reported by the Joint Committee, be extended from 5 hours to 7 hours".

Mr. Deputy-Speaker: The question is:

"That the time allotted by the House on the 26th November, 1959 (*vide* the Forty-first Report of the Business Advisory Committee) for consideration and passing of the Dowry Prohibition Bill, 1959, as reported by the Joint Committee, be extended from 5 hours to 7 hours".

The motion was adopted.

Shri Raghubir Sahai rose—

Mr. Deputy-Speaker: Does he want to be the first speaker after the extension motion he himself moved has been accepted?

Shri Raghubir Sahai: I have not spoken so far.

Mr. Deputy-Speaker: The Speaker has put a limit for every speech. It is five minutes.

Shri Raghubir Sahai: That will be too small.

Mr. Deputy-Speaker: Then he ought to have moved for a greater extension of time.

Shri Raghunir Sahai: I am in your hands.

Shri Surendranath Dwivedy (Kendrapara): When is the discussion concluding?

Mr. Deputy-Speaker: We will conclude it at 2.25 P.M.

Shri Raghunir Sahai: My own feeling is that after the emergence of this Bill from the Joint Committee, the whole thing has become worse. It has created confusion worse confounded. In the original Bill, it was provided that presents, cash etc. given at the time of the marriage might be limited to the extent of Rs. 2,000. I think that was a very practical view. But in the Report of the Joint Committee, they have done away with that clause. The reason assigned by the Members of the Committee is that if this provision is retained, it would virtually amount to legalising dowry which is a very pernicious system. Now by taking away that clause, I think the whole thing has become vague and this evil of dowry will go underground—which no honest person would like.

I was amazed to see the vehement arguments advanced by Shrimati Renu Chakravarty who happened to be Chairman of the Joint Committee. She sponsored a Bill in this House, The Restraint of Dowry Bill, 1952. I would read out from the definition of 'Dowry' she was pleased to give there:

"'dowry' means any property transferred or agreed to be transferred as a part of the contract of any betrothal or marriage by one party to the betrothal or marriage or the father, mother, or guardian of that party to the other party to the marriage or to the father, mother or guardian of the other party, but does not include voluntary marriage gifts such as ornaments to a bride and dresses to a bridegroom, the value of

which do not exceed two hundred rupees".

Now, leave aside the extent to which she has agreed to exclude. In the light of the fact that voluntary gifts have been excluded in the definition of 'dowry' in her Bill in 1952, her present attitude is entirely inexplicable. By taking away that clause, the whole Bill has been made impractical. As Members of Parliament, we should not take such a view. We should take a practical view of the matter. I feel that human considerations and natural considerations will prevail. From the sense of the House, it appears that some presents are necessary to be given at the time of marriage and they should not be excluded. They should be voluntary. I do not agree with the amendment sponsored by the Minister; I do not think it will serve the purpose because it is again very vague and leaves everything to speculation. It is very difficult to prove usage and custom. Every thing that will be given by way of dowry will be tried to be interpreted as 'custom and usage'. In all fairness, taking all the arguments for and against the Bill in this House, it would be proper for us if we limit the presents and other things at the time of marriage to a certain valuation and the valuation that was put originally in the Bill was perhaps very fair. The amendment that has been sponsored by the hon. Minister may be accepted with this proviso that after the last word in Explanation I of his amendment, these words may be added, namely "and not exceeding in value Rs. 2,000". It would read:

".....unless they are made as consideration for the betrothal or marriage of the said parties and exceed in value Rs. 2,000."

If this amendment is accepted, perhaps the purpose in view will be served. As I said, marriage is a sacramental thing. All the pomp and show and the gaudiness associated

with marriage should be put down because in dowry all these things can be included. If we limit the consideration to the extent of Rs. 2,000 I think the purpose will be served.

Shrimati Parvathi Krishnan (Coimbatore): Sir, I rise to oppose the amendment that has been proposed by the hon. Deputy Minister. Yesterday, when he moved this amendment, he tried to say that he was accepting my amendment. Side by side he said he was accepting the explanation from the amendment of Pandit Bhargava. This itself shows that this amendment is basically defective because it was quite obvious that we hold diametrically opposite points of view on this question of dowry. It is absolutely impossible to combine these two points of view. In the name of custom and usage—these words are included in this explanation—anything and everything can come in. For instance, in the South, there is a condition of marriage; it is a part of dowry. Very often the parents of the bridegroom say that the bride should be given such and such ornaments. These are not ornaments that are necessarily given by the parents of the bride to her out of affection for her but are made a condition by the bridegroom's family because otherwise their social status gets affected. They say that the bride must have a pair of diamond ear-rings and so many sovereigns worth gold jewellery and so on.

Pandit Thakur Das Bhargava: Who gives them—the father of the bridegroom or somebody else?

Shrimati Parvathi Krishnan: The bride is supposed to wear all these jewellery and they are to be given by her father. But it becomes consideration of marriage..... (Interruptions).

An Hon. Member: *Salankar Kanya*

Pandit Thakur Das Bhargava: In Upper India it is not so.

Shrimati Parvathi Krishnan: I did not interrupt him when he spoke and I would be very grateful if he does not, when I speak. He had 25 minutes compared to my five minutes.

Mr. Deputy-Speaker: I shall also be grateful.

Shrimati Parvathi Krishnan: Apart from that, the point that he was trying to make out is this. Why should husbands be prevented from giving their wives presents at the time of marriage? Why should wives be prevented from giving husbands presents at the time of marriage? He tried to make out or build up a theory out of this. I would like to ask him this question. In our country, where usually marriages are arranged by the parents which husband or bridegroom is in a position to make any substantial present to his wife or which girl is in a position to give voluntary gifts to her husband? Marriages in our country are arranged except in the case of those who are married late and the girl has been in some job and earned some money. It is a ridiculous type of argument to bring here. Certainly after they have become husband and wife, when they are having joint income, they can exchange presents as much as they like. But this is a loop hole. The father gives it to the bridegroom and says: you give this to the bride and then it becomes a presentation of the husband to the wife. Similarly, the bridegroom's people can have an inner agreement or understand with the bride's people and ask them to say that the presentation is made to the bridegroom by the bride. This is the way in which people will use this particular explanation to evade this very important measure in every possible way. It is very easy to use this sort of argument trying to arouse sentiments of the people. We know that parents do want to see that at the time of the marriage there is a spirit of joyousness, that people should feel happy and that presents are made and so on. But this will be used in an invidious way to avoid the very spirit

[Shrimati Parvathi Krishnan]

of this measure in order to upset the whole thing. Therefore, this explanation completely nullifies the amendment that I have given. Therefore, I am absolutely unable to accept this amendment which he has moved, because I feel that it will make this Bill a dead letter even before it becomes an Act.

Shrimati Renu Chakravartty: Sir I just want to oppose this Explanation. I have gone into it in great detail.

Mr. Deputy-Speaker: One opposition was not enough?

Shrimati Renu Chakravartty: I just want to answer one point. This point was also before many women's organisations and you do not know for how many hours and hours the women have discussed it. I would also like to mention that the Punjab Women were one of the greatest supporters for completely banning dowry in any form. This is a very difficult thing for the women, especially for the lower income group. There is this question of custom and usage in the whole of India. We had meetings of the various women's organisations in various parts of India and if we want to enumerate the different types of customs and usages which were put forward in these meetings,—you would be surprised to learn—I do not know how many schedules you should append to explain what you mean by custom and usage. We have said that normal, small gifts given out of love and affection should not come within the purview of this Bill. Certainly people should be allowed to do that. On the other hand, by introducing the words "custom and usage" you will allow all sorts of blackmarket dowry to go through. This is something which we are very much afraid of. After considering a great deal, we thought that this definition which we have put in here covers all such bona-fide gifts. All kinds of gifts can be given if it is not in consideration of

the contract or marriage and if it is out of love and affection. It does not bar anybody from giving anything. On the other hand, if we put in this "custom and usage", it is going to be utilised in a bad way.

Regarding the regulation of the amount, it was said: if I were a rich-man, why should I not pay much more? We are trying to bring about a minimum of equality, at least from outside, in these things. For instance, take the question of entertainment. I would submit to Pandit Bhargava that formerly when we were young, we have seen weddings—in Delhi we see weddings even now—2,000 people or more were fed for days on end—not for one day. It is not only the giving of "Charachoor" or some little nuts which we give in these days. We used to give feasts. Now things are not so because of the circumstances. We went to the hon. Speaker's son's wedding. We were very happy about it. I am sure he would have liked to have fed us. He fed us only on nuts and coffee. These are things, our social habits, that we are trying to change because of certain extraneous circumstances. We use the word *salankara* for the bride of the Wedding Ceremony. Generally, in a poor family the bride is brought in a simple coloured saree and a few jewels. I have also seen that in rich houses jewels worth even lakhs of rupees are given. Therefore, these words "custom and usage" combined with the word *salankara* will open the floodgates. That is why I would urge that we should try to keep it in the original form as emerging from Select Committee. It may be a bit general, but as the speaker remarked a little earlier, it will be a matter of interpretation, it will be a matter which will be taken up right up to the High Courts. I am sure anything like *mangal sutra*—we have got *loha*—or some clothes to be given to the bride etc. can be permitted. I would, therefore, suggest that Shri Jadhav's amendment may be accepted, and I would beg of the Deputy Minister not to open the floodgates by insisting

upon the explanation which he has given.

Shri Hajarnavis: Sir, I would like explain what I understand is the precise scope of the amendment. As the Law Minister has already given an assurance to the House, we are not insisting on this amendment being accepted, but let it be considered after we grasp what exactly it means.

Firstly, there is a definition of "dowry". In the definition of "dowry" it has always been an accepted position that wherever money has been extorted out of one party of the marriage by the other party it becomes a dowry. We also went on to say that voluntary gifts to any extent, whatever may be the reason—it may be affection, it may be because the parents feel that they are bound by custom or it may be because usage dictates it—they are not dowry. That position has not changed at any time during the consideration of the Bill; it has also not changed by this amendment.

Shri Subiman Ghose: What is the line of demarcation between extortion and voluntary gift?

Shri Mulchand Dube (Farrukhabad): Will you accept the definition in the Indian Penal Code or some other explanation as far as "extortion" is concerned?

Shri Hajarnavis: I use it in the sense that but for a promise to pay that sum the marriage would not come off.

Shri Mulchand Dube: It is not extortion then.

Shri Hajarnavis: I do not say it is extortion within the meaning of the definition given in the Indian Penal Code. I am only trying to explain the amendment. Except for the use of the words "either party" instead of the words "bride and bridegroom", this amendment is exactly the same as the amendment proposed by Shri-

mati Parvathi Krishnan. I do not see how she can complain if I have adopted her own suggestion.

Shrimati Parvathi Krishnan: I am objecting to the explanation.

Shri Hajarnavis: I fail to understand how Shri Narayanankutty Menon who is also a party to the amendment could have permitted himself to attribute all sorts of motives to us.

Shrimati Parvathi Krishnan: It is only . . .

Mr. Deputy-Speaker: She has already objected to the explanation; does she want to add another explanation?

Shrimati Parvathi Krishnan: I was not referring to the first part.

Shri Hajarnavis: Shri Menon is a party to the amendment that has been accepted by us except for the change of the words "bride and bridegroom". If the words "bride" and "bridegroom" are used the question would be whether it would be appropriate, where betrothal is concerned or the parties are to be proceeded against after the marriage has been performed, because the words "bride" or "bridegroom" would not apply if it is only a betrothal or to describe the parties after marriage. Therefore, our draftsman have used the words "either party". Except for that small verbal change we have accepted the amendment which was moved by Shrimati Parvathi Krishnan. Therefore, for them to say that we have some ulterior motives in accepting this amendment, I do not think is quite fair.

I now come to the explanation. The explanation appears to have caused considerable worry to some hon. Members. What does the explanation say? It says:

"For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to

[Shri Hajarnavis]

either party to the marriage.....
..... unless they are made as
consideration for the betrothal
or marriage of the said parties."

Therefore, any present which is
made as a consideration is not gov-
erned by the explanation at all.

Shrimati Renu Chakravartty: But
it is governed by custom and usage.

Shri Hajarnavis: No, it may be
that the custom dictates it or the
usage requires it to be done but if it
is done as consideration then the
explanation does not apply. If it is
given as consideration then it is ille-
gal and it comes within the meaning
of this clause.

Shrimati Renu Chakravartty: Sup-
pose I ask you for dowry and argue
it is according to custom and it is
not in consideration of marriage?

Shri Hajarnavis: Everybody knows
that it is consideration.

Pandit Thakur Das Bhargava: Take
away the word "custom." That does
not affect it the amendment at all.
Let them be satisfied.

Shri Hajarnavis: The moment the
element of consideration comes in
that payment or that transfer of prop-
erty it becomes illegal whether cus-
tom or usage require it or not. There-
fore I do not think we have changed
the position at all. As I have said,
we have all through stated—both
Shrimati Renu Chakravartty and
Shrimati Parvathi Krishnan also
agreed—that voluntary gifts are not
to be prohibited at all. If that is so,
the explanation does not change that
position at all. You may accept the
words, you may not accept the words;
the choice, as the Law Minister said,
is with the House. But let us not mis-
understand what the explanation
means.

Shri P. R. Patel: Mr. Deputy-
Speaker, Sir, so far as the explana-
tion is concerned, whether it is kept
or removed does not make any diffe-
rence so far as the offence is con-
cerned, because the criterion of the
whole definition is consideration and
the definition of consideration can be
found in the Contract Act. The defi-
nition given there is, unless any
amount is paid or promised to be paid
as consideration of betrothal or mar-
riage, any thing else is not covered
and it is no offence. Now, whatever
be the presents, starting from Re. 1 to
Rs. 1 lakh, if it is not as considera-
tion of the betrothal or marriage it is
no offence. Whatever ornaments
may be given, whatever jewellery
may be given, it is no offence, but
it is very hard to prove whether it is
given as consideration or whether it
is voluntary, because in a criminal
case the burden of proof lies with the
prosecution and the prosecution has
to prove the case beyond reasonable
doubt. If the man is prosecuted he
would say that he has not given as
consideration of the marriage or
betrothal. How can the prosecution
be in a position to prove that this
amount was given as consideration of
the betrothal or marriage? It is abso-
lutely impossible to prove. In these
matters regarding dowry it is very
hard to prove.

Therefore, my submission is that the
definition is very wide and it is very
hard to prove the offence. I have,
therefore, moved an amendment,
amendment No. 3, regarding presump-
tion. My amendment is that if the
value of the property or valuable
security exceeds Rs. 2000, the court
may presume that it was given or
agreed to be given as 'dowry'. So,
I do not say that up to Rs. 2,000, there
should be an exemption. Let me not
be misunderstood. In the proceed-
ings in court, you can prove it and
the burden of proof lies on the prose-
cution. Even if there be a consider-
ation of one rupee, that would be an
offence. Suppose the prosecution is
in a position to prove that properties

valued at more than Rs. 2,000 have been given, then, if this explanation is not there, the prosecution will fail. So, I want that if the property exceeds Rs. 2,000, the court may make the presumption, or may presume, that this property was given as dowry.

Pandit Thakur Das Bhargava rose—

Shri P. R. Patel: Please wait. Do not be worried. So, when the presumption is there, it will be for the accused to disprove that presumption. So, the discretion is given to the court. Taking all the circumstances into consideration, the court will decide. If the amount exceeds Rs. 2,000, the court may make the presumption that the amount given as dowry was to that extent. If you want to put a check to the evil of dowry, some presumption shall have to be drawn.

For instance, in Bombay, we have got prohibition laws. There also, under the evidence law, the prosecution must prove the case beyond reasonable doubt. So far as illicit liquor is concerned, if a man is found drunk, the presumption under the prohibition law is that the man has taken illicit liquor and then the man has to prove that it was not illicit liquor. So, the presumption could be had and you will find such presumption in other laws also. So, I would submit that unless this explanation is adopted, this Bill, if passed, shall have no effect absolutely on the system of dowry. If you want to stop dowry, let my amendment be accepted.

Dr. M. S. Aney (Nagpur): Mr. Deputy-Speaker, Sir, I just want to make a few observations on the language of this Bill and the amendments. When I read this Bill which is going to be enacted now, and the various amendments, I find that those who have drafted the amendments and the Bill have proceeded under the assumption that marriage is an agreement. On that point they have got no doubt in mind. Taking that stand, they have used the words "parties

to the marriage" as well as "consideration".

Mr. Deputy-Speaker: Order, order. When every hon. Member who wishes to speak is being allowed the opportunity, why should there be speeches by Members who are sitting?

Dr. M. S. Aney: It may be that a few of the large number of Members present in this House wish that marriage should be taken as a contractual agreement. But we have not up to this time by a statute ever declared that. So far as Hindus are concerned, they have regarded marriage as a sacrament; the general view taken by all the Hindus, about marriage, is that marriage is a sacrament. Probably the Christians also consider it as a sacrament. But that view does not find any reflection here in this Bill.

Having taken the view that marriage is an agreement, we find that they have used the word "parties" to the marriage. The parties are bride and bridegroom. I would like to ask the hon. Minister what is the meaning of the word "parties" to the marriage. If that word means the bride and bridegroom, why do you not use the words "bride" and "bridegroom", instead of the words "parties to the marriage"? You may use just the plain words "bride" and "bridegroom". If the bride and the bridegroom are the parties to the marriage, then you could use the words "bride" and "bridegroom". If it is nothing more than that, then in my opinion, the words "bride" and "bridegroom" should be used.

Now, I come to the word "consideration". In the Contract Act, this word has been defined. If that definition is borne in mind, it means this: in order to bring about a particular result, which is the object of the agreement, a certain kind of interest is created by one in favour of another, and that interest is called "consideration". Therefore, when we take this definition into account, we will find that what we define as dowry must be a matter which should

[Dr. M. S. Aney]

be agreed to between the two parties, and what is agreed in that way can only come under the definition of dowry. Matters which have been so agreed to—making ceremonial payment, etc., is immaterial—between the two parties form the consideration for the thing to be done. So, if dowry represents that conception of consideration, it means that thing has become the object of punishment, according to this law—whether it is in kind or it is cash or whatever it is, and that must be a thing which is agreed between the two parties before the marriage takes place. When exactly that consideration is actually passed from one party to another is immaterial. The moment it passes, it becomes a dowry. If it is not passed, nothing can be done.

Presents and other ceremonial gifts are customary things that are made generally at the time of marriage or during the marriage, and they should not come in here at all. If the marriage is to be done, it should be done according to the custom. If we do not follow the custom, it is open to them to go to the court and have a registered marriage. If they follow the proper custom or not is a matter between the two parties concerned. Whatever comes in as something extra, in addition to what has been agreed between the parties, is something different. These two things have to be separated. I take it that the explanation which has been put here—the amendment proposed by the hon. Minister—refers to these things. All the other presents, etc., are outside the purview of this measure. If this explanation refers only to those matters which have been agreed to between them there is nothing wrong in accepting it. If it does not, then we shall be confounding the word "dowry" used in the Bill. In defining dowry, it may be made perfectly clear that what has been agreed to between the parties is the only thing that is contemplated as a dowry. Otherwise, the word "consideration" has no meaning at all. If it includes

those things which have not been agreed to, then we are making the law more difficult to understand and therefore, more difficult to carry out also.

With these observations, I close.

Shri C. K. Bhattacharya: Mr. Deputy-Speaker, Sir, while discussing this clause and the amendments, what strikes me is this. The great defect in this Bill is that it does not penalise the payment of dowry at the proposal stage or at the demand stage. Penalisation should have been made at that stage. After the demand has been made and has been complied with, we can take it for granted that none of the relations of the girl is going to court to complain that dowry has been taken and by that all the future of the girl and her family will be doomed. That is the impracticability or unreality about this Bill.

14 hrs.

Shri P. R. Patel: Under clause 4, demanding dowry directly or indirectly is an offence.

Shri C. K. Bhattacharya: I thank the hon. Members who have enlightened me. There is no dispute about the fact that the system of dowry should go. On that point, everybody agrees. But the point is, we should not carry our enthusiasm to a point where the provision that is made for the removal of the system becomes impracticable and unreal. That is my apprehension after I have listened to some of the speeches.

Regarding this particular clause, it took my breath away when I read the Deputy Law Minister's speech, where he said that even the payment of a rupee would be penalised.

Shri Hajarnavis: Provided it is in consideration of the marriage.

Shri C. K. Bhattacharya: What other consideration will be there except celebrating the marriage?

Shri Narayanankutty Menon: Celebration is different from consideration.

Shri C. K. Bhattacharya: Nobody would pay money in a marriage for getting elected to the Parliament. It would be in consideration of the marriage. But even the payment of a rupee in consideration of the marriage will be penalised. It took my breath away, because knowing our customs as I do, I am sure that at least one rupee will have to be paid and paid in consideration of the marriage. Every father will have to pay it. This Bill relates not to marriages by registration, where as Dr. Aney said, boys and girls go to the Registrar and get married; whether any dowry passes between them, nobody will enquire. This Bill relates to cases which are called sacramental marriage or customary marriages.

Shri Sonavane (Sholapur-Reserved—Sch. Castes): This Bill does not make any distinction between customary marriages and marriages by registration.

Shri C. K. Bhattacharya: I do not say that the Bill makes any distinction. I only want to point out that this Bill is relevant only to those marriages which are sacramental and customary; in effect, that will be so. Knowing our customs as I do, at least one rupee will have to be paid and paid in consideration of the marriage. I know the custom under which the hon. Minister himself was married and under which he will have to give his daughter in marriage tomorrow. When he gives away his daughter in marriage tomorrow, he will have to pay at least a rupee in consideration of the marriage, in spite of the law that is being made.

Mr. Deputy-Speaker: Would the hon. Member be satisfied if an exception is made in the case of one rupee?

Shri C. K. Bhattacharya: I drew attention to it only because the Deputy Law Minister was kind

enough to make that particular reference. Some lady Members have mentioned about *alankara*. When the Hindu father sits to give away his daughter, with all the things that he considers holy in life—fire, the holy water, the Godhood represented by *Saligram* and other things—he will have to say:

नां क र्ण सत्कर्तारं यथापि विवेक कं पुत्रं ।
अहं सम्प्रददे ।

"I give away my daughter to you properly ornamented and in the name of God". Unless he is deliberately lying before the things he considers holy, he shall have to give something to the daughter in spite of the legislation here.

Shri Narayanankutty Menon: Is the hon. Member aware of the original definition given for dowry in the *Manu Smriti*? *Manu* excluded everything except the presents given when the sacramental fire is burning. But after 2000 years, everything is included in that.

Shri C. K. Bhattacharya: I do not claim to be an epitome of all wisdom.

Mr. Deputy-Speaker: The greater difficulty is with me when I sit in between two pundits on both sides.

Shri C. K. Bhattacharya: We expect you to be a greater pundit than all of us. The custom is, when the girl is given away in marriage to the boy, the father will have to pay by custom what is called *Varadakshina* in some form at least. Even symbolically—that is why I say one rupee—something will have to be paid so that the marriage might be complete. Otherwise, it remains incomplete. He will have to say to the bridegroom in the sameway that he stated when he just gave away his daughter:

विवाहकर्मणां सांगनायं दक्षिणा इव तुभ्यं
अहं ददे ।

"For the completion of the marriage ceremony, I am giving this *Dakshina* to you".

[Shri C. K. Bhattacharya]

Unless that is done, our marriage is not complete. I do not know through which form of marriage Members on the other side were married. Sir, I had the opportunity to hear our Speaker the other day delivering the Kamala lectures in the Calcutta University, expounding the social customs in Hindu marriages. I found him repeating all the things I am stating here today. I think the same custom prevailing in my part of the country also prevails in the south and in the whole of India. If the Members deny it, I shall stand by their denial. But so far as people in my part of the country are concerned, this is the custom which prevails even today. It will prevail even tomorrow. Therefore, there should be some provision in the Bill to safeguard the custom and I am glad that the hon. Law Minister has done it.

Shrimati Manjula Devi (Goalpara): Regarding the explanation, I am inclined to agree with my friend, Shrimati Renu Chakravartty, that in the guise of custom and usage, large sums of dowry may be taken away. So, I would like to add here in the explanation:

"Unless they are made as conditional proposals and demands in consideration for the betrothal or marriage of the said parties".

That will give a clearer definition and I hope it will be acceptable to the House.

Shri Manabendra Shah (Tehri Garhwal): I want to speak on my amendment No. 72. I feel that the whole approach to this Bill has been wrong. I would like to elucidate what the hon. Member, Shri Nathwani has said about this Bill not covering those cases where the bridegroom or the bride is not affected. In our community the father of the bridegroom always gets the money; the bridegroom does not come into the picture. If you go to some of the villages of my Hills, you will find that the father of the girl will always get it but not

the girl. If the women's organisations have only stated about a particular type as provided in the Bill, then I am afraid they are not an authority on this aspect.

If you have conceded voluntary gifts, there will not be any gift which will not come under the category "voluntary". No father would like his son-in-law to go and pay a fine. He will not take the responsibility of breaking a family to which he has given his daughter. Therefore, the question of compulsory gift will never arise. Even if it is compulsory, it will always be treated as voluntary.

Therefore, I cannot understand how this Bill is going to serve its purpose. In fact, it is nothing but a dead law. Therefore, the real approach should be to have a Bill where we put a ceiling on dowry. Now we have ceilings on land, wealth and other things. Why not we have a ceiling on giving dowry, whether it is compulsory or voluntary? The proposal in my amendment No. 72 is to give effect to this suggestion. I have suggested in my amendment that under no circumstances should the dowry exceed:

"(a) in the case of persons paying income-tax up to 2 per cent of their wealth; and

(b) in other cases up to five hundred rupees."

By this we would be fixing a ceiling, irrespective of whether it is a voluntary gift or under compulsion. Something like this would be a workable thing, instead of saying that compulsory gifts are prohibited and voluntary gifts can be given.

I have also omitted the *mahr* system in clause 2, because in clause 1, I have proposed that certain other communities should also be exempted from the purview of this Bill. For example, if you take *Bhatnagars*, they have codified their marriage laws, and they follow them rigidly. So, I do not see why we should not give them the benefit of not being covered by

this Bill. Why should we not encourage the other communities to follow suit so that they themselves make laws for their own community, which would be beneficial for their own community, by having a clause by which we to give exemption to certain in communities? Then this social law will become workable. Therefore, I have proposed my amendment No. 83, which I hope the hon. Minister will accept.

Shri A. K. Sen: I must say that the amendment proposed by Shri Nathwani, that is, amendment No. 48, does seem to me to be a matter of substance. I have gone through the definition, as drafted originally, and I feel that they may be a lacuna which needs removal. Because, if we make penal only that form of dowry which is first of all paid to either of the spouses, or to someone on behalf of either of the spouses, then the second condition is that such payment is in consideration of marriage. So, what is penal is not merely what is paid in consideration of the marriage but is also dependent upon the recipient. That seems to me to be the plain interpretation of the original clause, and it may be possible to keep out of the penal provision by simply making the recipient the father or the mother of the bridegroom or the other spouse, without his being a trustee on behalf of either of the spouse. So, if the recipient is father, and not on behalf of the son, then the mischief of the Act would not hit the transaction. Therefore, I am prepared to accept, for making the Act more effective, amendment No. 48. That seems to be in consonance with the spirit of the Act, and I am free to confess that it is an improvement.

I am afraid I cannot accept his other amendment, that is, amendment No. 39, regarding adding betrothal and so on. We must first of all, look at the problem as it is and how it strikes us as an evil. Dowry is never paid as a consideration for betrothal. If it is merely betrothal, nobody will

pay, I think, Dowry is paid in consideration for the marriage. Betrothal is only a preliminary step towards marriage. I have never heard of anyone making any payment only in consideration of betrothal, and not in consideration of the marriage. It may be that the payment is made at that time or before the betrothal, but, nevertheless, the payment is in consideration of the marriage, and not the betrothal alone. It may be betrothal plus marriage. But if it is plus, the Act hits him.

I think it will become cumbersome if we try to rope in all sorts of contingencies in order to see that more people are punished. Our concern should not be to see how many people are punished. First of all, we have to see the evil and how best to remove it. As it is, the evil is of such a nature that the people who are participants in the evil act in such a way that a conviction becomes a difficult matter is a matter of reality. As the Maharaja of Tehri-Garwal has said, it is very difficult to imagine that the giver of dowry, the father, let us say, of the bride will give evidence against either his son-in-law or his father to the effect that either or both of them have committed an offence under the Act. That is a practical difficulty which I have pointed out at the beginning when the Bill came for reference to the Select Committee. That difficulty we cannot get rid of by any drafting whatsoever. That is a difficulty which is inherent in the problem itself, namely, how to bring to book the offender. This is a problem which besets all social evils, like child marriage. Which father or relative will go and lay a complaint against persons who are participants in a child marriage, knowing full well that a conviction would result in a penal punishment being meted out to the offender? Whenever a social evil comes to be penalised, this problem is inherent. Not only with regard to this evil but all social evils we have seen the difficulty of securing conviction against the offender. But that should not possibly affect our determination to legislate on a matter on

[Shri A. K. Sen]

which we are more or less agreed. We are all agreed that there is an evil; we are all agreed that the evil should be eradicated; we all are agreed that if it cannot be eradicated wholly by law, nevertheless the law is necessary, if not for anything else, at least for declaring to the whole country the social consciousness of the nation, expressed by the voice of the House. That itself has an effect in weakening the impact and the incidence of this evil.

Therefore, to my mind, all the arguments which have been addressed on the ground that the machinery for bringing the offender to book is not perfect are not very relevant, because we are all aware that such infirmity is inherent in the problem itself, and no drafting, no device which we may think of here, is going to improve the situation. It is only the consciousness of the evil and the determination to eradicate the evil, armed with the powers granted under the Act, which alone can eradicate the evil altogether. That is my submission and nothing I have heard to the contrary have convinced me otherwise. We can only think of introducing such improvements as may be necessary in order, first of all, to understand for ourselves, and for also carrying that understanding to the country as a whole, what the evil is, and how this House sought to tackle it, so that there may not be any ambiguity about the two things in the minds of the people who, I am sure, will hail this piece of legislation, as I said, if not for anything else, at least as an expression of the unanimous will of this House. I would very much appreciate if such a non-controversial measure is passed unanimously so far as the main clauses are concerned apart from the question of drafting amendments here and there. As I said, I accept the amendment of Shri Nathwani.

With regard to the Explanation, introduced in the Government amendment, I have, after hearing hon. Members, felt that the Explanation possibly may undergo a little

change. As I said, the mind of the Government on such a measure is never committed. Nor is it our desire that the House should stand committed. Because, it is a measure on which there is no controversy cutting across our minds along political lines. It is a measure on which we are all unanimously agreed. Therefore, our mind should be open until the very last to see how best we can shape for the country as perfect a piece of legislation as possible having regard to the difficulties of the situation.

It is true that I have felt the weight of the argument that if we use the word custom or usage, it might carry with it the custom and usage of dowry. It is true that in many parts of the country, some amount of dowry has almost become, if not a custom, at least sanctioned by usage. As we know, usage is a matter which does not require some ancient tradition behind it. It may be something which is of recent occurrence. Therefore, I think it will best convey our desire if we omit the three lines: "which by custom or usage are made at the time of a marriage by any person to either party to the marriage". If we leave these three lines, the intention will be clear. What we want to penalise is the thing that is extorted, not what the father willingly gives. As I say, let us not think about bringing the offender to book. Let us prevent what the evil is. There is nothing evil if the father voluntarily gives something to the daughter. Why penalise it? Who regards it as an evil? In fact, it is the most common thing. It used to be there in the olden days. The verses from our Sastras quoted by Shri C. K. Bhattacharya show that it was also regarded as a sacramental duty on the part of the father to give the bride and clothe her with ornaments which he can afford. Nobody regards it as an evil if the father or the relations voluntarily give such things to the bride as they may think it possible for them to give. In fact, that is the only way by which our women used to acquire *stridhan*. Of course, the

modern Hindu Succession Act has given women the right to property, even though that right to property may be defected by a will or by testamentary disposition or non-testamentary disposition. Therefore, the surest way in which women in olden days, or even today, acquired some property of theirs was what was given to them by the parents and their relations at the time of the marriage or before the nuptial fire or a little before that. Therefore, we do not regard it as an evil if the father or relations or friends give something absolutely voluntarily, without any inducement whatsoever for the marriage being brought about or celebrated. I agree with Pandit Thakur Das Bhargava that is not an evil. Let us be quite clear about it. What is an evil when the father voluntarily offers it as a bribe or it is extorted from him. It is not merely extortion. In many cases, we have seen that, even apart from extortion the father voluntarily offers it as a price. When I read purely as a matter of academic interest Anthropology relating to the customs and practices among primitive tribes. I found that bridegroom paid price for the bride, as in many of our tribal societies in India today. In some advanced communities, later, it became the other way about. The bride pays the bridegroom a price.

Shri Jadhav: Will it not be made a condition precedent by the bridegroom that he will ask the father of the bride that he should give some sort of ornaments. It will be in disguise dowry.

Shri A. K. Sen: I have not appreciated the point; I am sorry.

Shri Jadhav: Dowry may be in disguise. The bridegroom may make it a condition precedent for the marriage that the father of the bride should give such and such ornaments and should give them as any other present.

Shri A. K. Sen: If that is proved, if these are the facts, it will be an offence.

Shri Narayanankutty Menon: Apart from ornaments, you have retained cash. Will it not be permissible and within the purview of legitimate presents to give any amount, provided he is prepared to prove only usage, not custom?

Shri A. K. Sen: Therefore, I am leaving custom and usage.

Shri Narayanankutty Menon: The word 'cash' is retained. You are deleting custom and usage. Will it not be legitimate to pay any amount which depends on his capacity to pay?

Shri A. K. Sen: If I paid voluntarily without its being a matter of extortion or a matter of offer by me to induce the marriage, I do not see what evil there is. If I pay my daughter voluntarily Rs. 500 or 1000, I do not see how any one can regard it as an evil. It is the simplest thing.

Shri Narayanankutty Menon: Are you prepared to place the burden of proof on the accused in this case as in corruption cases?

Shri A. K. Sen: That, we might think of later on. We should not tamper with the rules of evidence very lightly. It may be that in the course of the future history of this law, it may become necessary to introduce an amendment about the law of evidence relating to the trial of such offences, that the onus may be shifted on to the accused to prove that what was given was actually voluntary. Let us not think of the procedure. Let us not cloud our minds by the fact that it is difficult to prove the offence in trying to make an offence of something which is not an offence, which is not an evil. I appreciate what the hon. Member says. The two things should be kept separate. In future, it may be found necessary to shift the onus to the recipient.

[*Shri A. K. Sen*]

Nevertheless, we must not do anything which will make an offence a pure transaction which nobody regards as an evil.

Shri Sinhasan Singh (*Gorakhpur*): There is one small mistake, Sir. The hon. Minister said that he is accepting an amendment of *Shri Nathwani*, about the removal of the words "on behalf of such party". There is an amendment by the Government itself. There, the words are "on behalf of either party". Which is the amendment he is going to accept?

Mr. Deputy-Speaker: That he will tell us when he finishes. He will give something in writing.

Shri A. K. Sen: When I say that I accept *Shri Nathwani's* amendment, that follows.

Shri Sinhasan Singh: He mentioned amendment No. 48 of *Shri Nathwani*.

Shri Nathwani: I have given a further amendment, which is No. 85, which seeks to delete the last words in sub-clause (b): "on behalf of either party", which is similar to amendment No. 48.

Shri N. R. Muniswamy: That is not before the House.

Shri A. K. Sen: Even the acceptance of *Shri Nathwani's* amendment will have that effect.

Shri N. R. Muniswamy: That has nothing to do with this.

Shri A. K. Sen: The acceptance of *Shri Nathwani's* amendment has the effect of having our own amendment altered to that extent, namely by deleting the words "on behalf of either party" in sub-clause (b) of clause (2) of the amendment which was moved by the Deputy Law Minister yesterday.

Therefore, my submission is that we should accept the Government amendment subject to the deletion of the words "on behalf of either party" in sub-clause (b) of clause (2) and subject to the deletion of the three lines in Explanation I, "which by custom or usage are made at the time of marriage by any person to either party to the marriage". I shall put in a further amendment to that effect immediately.

Shri Nathwani: I have moved already about the Explanation.

Shri A. K. Sen: I am moving it immediately. I am sending it to you showing the changes.

Shri Narayanankutty Menon: But the law Minister has removed Explanation II given in amendment No. 2 of *Shri P. R. Patel*. The original Bill limited presents up to Rs. 2,000. Now the hon. Law Minister's amendment plus *Shri Patel's* amendment limit the cash.

Shri A. K. Sen: Cash means if it is voluntary.

Shri Narayanankutty Menon: And that too Rs. 2,000.

Shri P. R. Patel: The hon. Minister was not present at that time. What I want to say is that that up to Rs. 2,000 the prosecution will have to prove and no presumption will be made, but if the amount exceeds Rs. 2,000 then the court will presume that it is given as a dowry. I think we can put a check on dowry by this.

Mr. Deputy-Speaker: Has the Law Minister finished?

Shri A. K. Sen: Yes, I have finished.

I have put in an amendment showing the deletions which we propose in the amendment.

Mr. Deputy-Speaker: The Government amendment stands like this:

Page 1,—

for clause 2, substitute—

"2. Definition of "dowry".—In this Act, "dowry" means any property or valuable security given or agreed to be given—

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents or either party to a marriage or by any other person, to either party to the marriage or to any other person;

at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or *mahr* in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Explanation I.—For the removal of doubts, it is hereby declared that any presents made at the time of marriage to either party to the marriage in the form of cash, ornaments, clothes, or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the betrothal....

Shrimati Renu Chakravartty: It is now absolutely open.

Shri Narayanankutty Menon: The word "cash" should be removed. You are now throwing the door wide open.

Shri Prabhat Kar: I think the original explanation was better.

Shri A. K. Sen: We cannot satisfy every one, I am sorry.

Shrimati Renu Chakravartty: When the original Bill came he told us it would cover whatever was given as consideration, by way of gifts and other things. Now, the whole thing, all dowry, is legalised!

Mr. Deputy-Speaker: I will read the Explanation again.

"For the removal of doubts....

Shri Subiman Ghose: The remedy is worse than the disease.

Mr. Deputy-Speaker: The Explanation is for the removal of doubts! It may be permitted to read it again.

"Explanation I.—For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of.....

Shri Narayanankutty Menon: May I ask the hon. Minister what dowry is now?

Shri Bimal Ghose (Barrackpore): No doubt remains!

Shri Narayanankutty Menon: Nothing is dowry according to this.

Shrimati Parvathi Krishan: His explanation is to drop the word "prohibition" from the title.

Shri A. K. Sen: I think we ought to go back to the original clause. I agree that such an outstanding change might convey a different impression to the public outside. May I move that the whole of the Explanation might go?

Mr. Deputy-Speaker: If it is feasible.

Shri A. K. Sen: The House may permit us to withdraw the amendment and we stick to the old clause.

Pandit Thakur Das Bhargava: As a matter of fact, that thing has not been debated in this House, the question of the limit of Rs. 2,000 was not there.

Mr. Deputy-Speaker: Order, order. There would be another fresh difficulty. When the old clause was substituted by this amendment, all attention was directed towards this, and the whole discussion has been going on on that basis. I intended to rule out all the amendments because they

[Mr Deputy-Speaker]

have been moved to the original clause and not to the substitute clause. Now the hon. Law Minister says he goes back to the original clause. How can I ask the hon. Members to vote for it or against it?

Pandit Thakur Das Bhargava: We should not be deprived of our right to move amendments.

Mr. Deputy-Speaker: The time allotted is over.

Shri A. K. Sen: We are really discussing across the table on this.

Mr. Deputy-Speaker: Then I can hold it over and proceed with the next Bill. Meanwhile, Government might make up its mind as to what it should do.

Shri N. R. Muniswamy: That is better.

Mr. Deputy-Speaker: Now because the time is over, if I immediately guillotine it and put the whole thing to vote, that would not be fair, I suppose.

Shri A. K. Sen: May I add that we really proceeded on the basis that either the original clause remains or this remains, because I made it quite clear in the morning that the Government's mind or the minds of any of the Members here were not committed either to this amendment or to the original clause?

Mr. Deputy-Speaker: Who should say whether the original should remain or this one? Government should come forward with a concrete thing which I can put to the House.

Shri Surendranath Dwivedy: Let this be held over.

Shri A. K. Sen: No, why? When I rose to speak in the morning when the Speaker was in the Chair, I made

it quite clear that the Government amendment was only put forward for consideration of possible alternatives because many Members had expressed apprehension regarding customary presents and so on, and as I said, neither Government nor any Member should be committed in their minds with regard to the provisions of this Bill, because, as I said, this is a non-controversial Bill and we are trying to frame as good a Bill as possible. After the discussions it appears that it is best to stick to the original clause rather than to the alternative. Therefore, with the leave of the House we shall withdraw this amendment, and the original clause may be voted upon.

Pandit Thakur Das Bhargava: May I submit a word at this stage? The hon. Minister has said that he will go back to the original clause, but we have not even discussed the limit of Rs. 2,000 etc. There are very many flaws in having Rs. 2,000 as the upper or the lower limit. That we have not discussed, and we will give many amendments.

Shri A. K. Sen: I made it quite clear in the morning that the hon. Members should be allowed to speak both on the original clause and the amendment.

Pandit Thakur Das Bhargava: After all, it is the will of the Chair that will prevail, not the will of the Minister or the Deputy Minister.

Shri A. K. Sen: I have not said any such thing.

Pandit Thakur Das Bhargava: We must be allowed to discuss what the hon. Minister now gives as an amendment. The hon. Deputy Minister's amendment was amended by the hon. Minister and we were discussing that. Now he does not want to stand by his amendment and wants to revert back. It means that that question

must be mooted again. Otherwise it means our amendments cannot be considered, and we have not been heard on this point, and I feel very strongly that the reversion to Rs. 2,000 is a great flaw. Twenty persons may make presents, and a person who makes a present of one rupee will also be included equally as the person who makes a present of Rs. 500.

Mr. Deputy-Speaker: My only difficulty is that when clause 2 was being discussed here, Government came forward with a new amendment and brought a new clause. At once, an objection was taken by the Members that because this was a new thing altogether, and they could not discuss the old clause, therefore, they should be given time. The substitute clause that was intended to be substituted in place of the clause as in the Bill was circulated, and we got time for discussion up to this hour.

Now, at the last moment, when we have discussed the amendment given by the hon. Law Minister, when I am going to put it to the vote of the House, if the hon. Law Minister wants to withdraw it and revert to old clause 2, then my difficulty would be that the hon. Members would desire that they should have a fresh opportunity to discuss that old clause. Either I can hold it over and just start with the next business, and in the meanwhile, Government may make up their mind, or, if it is clear that the original clause is to be stuck to, then too, I shall have to give an hour to the hon. Members, so that they may discuss it; and then alone I can put it to the vote of the House.

So, it shall stand over, and I shall start with the next business. And we shall take up this Bill tomorrow, and by that time Government may make up their mind as to what they propose to do.

Shri A. K. Sen: May I say that it may be notified immediately that we shall not press this amendment? As

I said, we are not anxious to push through any particular provision just by a majority, because there is a very big public.....

Mr. Deputy-Speaker: Would he stick to the original clause, or would he bring forward fresh amendments now?

Shri A. K. Sen: No, we shall stick to the original clause.

Mr. Deputy-Speaker: The original clause 2 shall be before the House for discussion

Shri Jhunjunwala (Bhagalpur): Then, there are other amendments which will have to be taken up.

Shrimati Renu Chakravartty: May I submit that amendment No. 67 which Pandit Thakur Das Bhargava has moved is in substance more or less the same as was moved in the original amendment? So, if Pandit Thakur Das Bhargava would be prepared to

Mr. Deputy-Speaker: I am not going to do that.

Shrimati Renu Chakravartty: He has moved it already.

Mr. Deputy-Speaker: I shall give an opportunity to the House again.

Shri C. R. Pattabhi Raman (Kumbakonam): It has not been considered.

Shri Nathwani: We shall consider it tomorrow.

Mr. Deputy-Speaker: Surely, some motion would be made and we shall have another hour allotted, and then we shall conclude.

Shri A. K. Sen: In the meantime, may I beg for leave to withdraw this amendment?

Shri Nathwani: Leave is granted.

Shri Hajarnavis: I also beg leave to withdraw my amendment.

Mr. Deputy-Speaker: The hon. Minister wants to withdraw the amendment which had been moved by Government. Has he the leave of the House? I rather thought that he might withdraw it tomorrow when this question would actually come up.

Pandit Thakur Das Bhargava: Withdrawal cannot be permitted even if one Member dissents to it. That amendment is now in the possession of the House, I surely dissent.

Mr. Deputy-Speaker: If there is objection, then I would not allow him to withdraw it. I am advising the Law Minister to beg for leave to withdraw it tomorrow.

Shri A. K. Sen: Very well.

Mr. Deputy-Speaker: So, this shall stand over, and we shall now take up the next business.

Shri C. K. Bhattacharya: I want one small explanation. The Law Minister has just stated that he is going back to the original clause. What is that original clause?

Mr. Deputy-Speaker: Whatever it is, whatever is printed in the Bill.

Shri C. K. Bhattacharya: Is it in the Bill as introduced or as it has emerged from the Joint Committee?

Mr. Deputy-Speaker: It is the original clause according to the recommendations of the Joint Committee.

Now, Shri Nanda.

The Minister of Labour and Employment and Planning (Shri Nanda): I beg to move that the Bill further to amend the Mines Act, 1952, be taken into consideration. . . . (Interruption).

Mr. Deputy-Speaker: Now, that old business is over. We are going down

to the mines now. So, there ought to be silence.

Shrimati Renu Chakravartty: May we know whether this Dowry Prohibition Bill will be taken up as the first thing tomorrow?

Mr. Deputy-Speaker: Yes, it would be taken up as the first thing tomorrow.

14.43 hrs.

MINES (AMENDMENT) BILL

The Minister of Labour and Employment and Planning (Shri Nanda): I beg to move:

"That the Bill further to amend the Mines Act, 1952, be taken into consideration."

The purpose of the Bill before the House is to amend certain provisions of the Mines Act, 1952. I should say a few words here about the Act itself. This Act regulates the conditions of work in the mines, especially in relation to the requirements of safety of the workers who work in the mines. There is corresponding legislation for workers in factories, in the Factories Act. The Mines Act has provisions with regard to hours of work, employment of women and children etc. It lays down standards with regard to matters pertaining to health, and conservancy, that is, sanitary requirements. It has also certain provisions regarding medical appliances. There is a whole chapter in this Act regarding leave with wages. The most important part of this Act, as I said earlier, concerns safety. There are certain provisions regarding safety in this Act, although the specific requirements are laid down in regulations under the Act. In the Act itself, the machinery for enforcement and the procedures for enforcement have been laid down. Arising out of that, and the other provisions, there is a chapter regarding penalties. This Bill which I have presented before the House

touches practically all the aspects of the Bill which I have mentioned. But the significant changes proposed through this amending Bill are of two kinds.

There are a few clauses here which seek to confer on the workers certain material benefits, such as increased rate of overtime allowance etc. There are certain other clauses, which I regard as of outstanding importance, namely those which concern matters with regard to safety. Now, an endeavour is being made through this amending Bill to strengthen the safeguards for the safety of the workers who work in the mines, who are exposed to risks, as everybody knows, in fact, to more risks than in other occupations. Therefore, the object is to ensure that as far as possible, all avoidable risks to the health and safety of the workers in the mines are eliminated.

In making these proposals, we have drawn upon our experience for the last few years; we have also received some guidance from the deliberations of a conference, the conference on safety, which was held some time back, and in which all sections of this industry participated, employers, managers, experts, workers, representatives etc. In the light of those discussions, we have thought of introducing certain new provisions in this legislation.

This Bill has forty-seven clauses. But I believe about half this number do not import any material change. Some of them are just intended for the purpose of better clarity or clarification; some introduce certain changes in the presentation or the sequence, the object being to remove certain ambiguities and doubts which may have been felt or which may have arisen in the course of our experience of the working of this legislation. It is these clauses which possibly are responsible for the bulk of this amending Bill.

For the rest—as I said, there are two types of changes, those which concern the economic provisions, about wages, overtime etc. which I regard

are also important from the point of view of the workers, and the other changes about safety—I would not take up much time of the House in giving any general explanation. But I would take some time to mention some of the important clauses, that is leaving out those which are of only a verbal character or which make minor changes or are introduced only for the purpose of greater legal clarity. I would deal with those clauses which bring in changes of a substantive character.

I would first refer to clause 3, which does not bring in any new material but seeks to incorporate in the Act itself what at present exists in the regulations. This is about exemptions for small quarries and for operations which relate to prospecting etc.

Then I will go on to clause 4 which is for the purpose of making the administration of the Act a little more effective by providing for delegation of some of the powers of the Chief Inspector to other classes of inspectors, thus making for convenience and more efficient administration.

The next clause is No. 9. This is important in a way. This relates to the omission of certain words in section 18 of the principal Act, namely, 'Save as hereinbefore provided'. This omission has certain consequences of a beneficial character. The proviso to sub-section (2) is sought to be omitted. Experience has so far been that if the proviso is deleted from section 18, it will add a bit of strength to the machinery and procedure for enforcement. The proviso which is sought to be omitted lets off the owner or the agent if he brings forward proof to the effect that he was not in the habit of taking, and did not in respect of the matter in question take, any part in the management of the mine, and that he had made all the financial and other provisions necessary to enable the manager to carry out his duties and that the offence was committed without his knowledge, consent or connivance. This proviso is sought to be taken away on the ground that the safeguards which remain in favour of

[Shri Nanda]

the owner are adequate. Read with certain other sections of the Act—I believe sections 76 and 77—they are quite ample for the purpose of enabling an owner, manager etc. to see to it that he does not incur unnecessary liability and all that was possible for him to do had been done. But he should not have recourse to the device of putting up somebody, some small person in the organisation, to take the blame on his account, because that would weaken the administration and enforcement of the Act. This is the effect of clause 9.

Next I would come to clause 11. This is not of very major importance, but this refers to the provisions about first-aid boxes, cup-boards etc. These first-aid boxes and cup-boards equipped with such contents as may be prescribed shall be provided and maintained. So it is not to be just a particular number as laid down now. The amendment gives greater elasticity for this purpose.

In the same clause, there is also an amendment to section 22. This deals with provisions in case of non-compliance. This is a very important amendment. If the inspector had given certain directions in order to remove certain elements of danger, and those defects have not been removed and the directions not carried out, at present all that is open to us is to prosecute, which process causes delays and takes time. The outcome of those prosecutions is not always such as is conducive to creating a greater sense of responsibility in the management. Therefore, something more deterrent had to be introduced. Item (1A) is a new provision which enables the Chief Inspector or the inspector, as the case may be, in case of failure to comply with the directions, to prohibit the employment in or about the mine or any part thereof of any person whose employment is not, in his opinion, reasonably necessary for securing compliance with the terms of the notice.

This, as I said, is an important new provision which, I believe, is going to be very helpful in securing better enforcement and better provision of arrangements to ensure safety.

15 hrs.

The next clause I would deal with is clause 12. There are certain provisions in clause 12 regarding the giving of notice about accidents etc. and some new features are introduced. There is one additional small item which reads 'any other accident which may be prescribed'.

The first part of clause 13 is of a consequential nature. I would like to invite your attention to the second part. After full consideration, it is our desire to alter it somewhat. This clause relates to the certificates. When a big or small accident occurs and when a person enquiring into it discovers that there was a *prima facie* case for cancelling the certificates, he will now hold a further enquiry into the matter. When the person concerned is *prima facie* guilty of incompetence or negligence or misconduct in the performance of his duties, there is at present a further enquiry by another person. Now, that took a long time. There were long delays. Therefore, it was thought that we might enable the same court of enquiry to deal with this question also. But we had further discussions with the persons who have come to meet us on behalf of the management of the mines regarding this and certain other clauses. After listening to them we felt that possibly this will need reconsideration and possibly we will have to keep intact the earlier provisions. There is an amendment from the side of Government regarding this aspect.

Clause 14 deals with the employment of women and the question of spread-over. This is necessitated on account of the ILO Convention on the subject. Now, any permission to increase the hours of spread-over in the case of women will have to be subject

to certain conditions. Provision is made for prescribing such conditions.

In clause 17, certain changes are made with regard to the rate for overtime work. Previously, there has been some distinction in this respect between the workers above ground and those below ground. The rate was $1\frac{1}{2}$ times in one case and 2 in the other case. This distinction is now sought to be abolished. The overtime rate will be twice the ordinary rate of wages in all these cases. That is an important provision.

Clause 21 is introduced in the interest of adolescents. The idea is this. Certain exemptions are being provided and the adolescents should be excluded from the operation of those exemptions.

Clause 27 refers to women working above ground. Here again it is because of an ILO Convention.

Every woman employed in a mine above ground shall be allowed an interval of not less than eleven hours between the termination of employment on any one day and the commencement of the next period of employment.

In clause 29, there is a provision that no person shall enter any open cast working or any working below ground unless he has been permitted by the manager or is authorised under the Act or any other law to do so. This is in order to help more effective implementation of the provisions so that unauthorised persons are not present to complicate the situation.

In clause 30, again, certain improvements are made in the interest of the workers engaged in these mines. In the matter of rights to leave with wages, there should be no distinction between the monthly-paid workers and the other workers. Till now, there was a distinction in favour of

the monthly-paid worker. The intention is to remove this distinction and place all the workers on the same level. There is another provision which refers to the same subject—leave with wages. It is now being provided that the days which are included in a period of lay-off, maternity, etc. will be counted as days of work. It is further being provided that the accumulation of leave will be permitted. It was not permitted so far except in the case of monthly-paid workers. This privilege of accumulation is being extended to all the other workers also and the period of accumulation is being increased from 28 days to 30 days. It is also provided that this can be carried forward in certain circumstances without limit. The relevant clause reads:

"Provided further that any such person who has applied for leave with wages but has not been given such leave in accordance with subsection (6) shall be entitled to carry forward the unavailed leave without any limit."

There is also, in the same context, a further provision.

"If a person employed in a mine wants to avail himself of the leave with wages due to him to cover a period of illness, he shall be granted such leave even if the application for leave is not made within the time specified in subsection (5)."

This is the additional benefit. A person can utilise it for any urgent requirement in respect of illness.

There is another important provision under the same clause on page 18. It is a new clause. It reads:

"Any sum required to be paid by the owner, agent or manager of a mine under this Chapter but not paid by him shall be recoverable as delayed wages under the provisions of the payment of Wages Act, 1936."

[Shri Nanda]

So far, if a person felt aggrieved on this account, he had to have recourse to the ordinary courts, etc. This provision provides a very important facility.

Sir, I shall now take up that portion of the Bill which deals with penalties. This begins with clause 35. If hon. Members will see page 22 of the Bill they will find that changes have been made and the penalties have been raised. In section 65 the fine of Rs. 50 has been raised to Rs. 200, a fine of Rs. 1000 has been put instead of Rs. 200 in section 66, the fine of Rs. 500 has been raised to Rs. 1000 in section 67 and so on. In the other sections also the same approach is there. Having observed the working of the Act and the outcome of the prosecutions it has been felt that considering the serious nature of the risks involved and the stakes of a large number of workers engaged in this industry it is very necessary that the sanctions should be strengthened.

Clause 40 also is of the same character. Previously all residuary offences were to be dealt with on certain lines. A fine of Rs. 1000 or three months imprisonment was provided. For certain of those offences which have been specified here additionally the punishment is to be imprisonment which may extend to a term of six months or a fine which may extend to Rs. 2000 or both. For continuing to work a mine, in contravention of the orders, in the same clause—instead of three months or Rs. 500, it has been made two years and a fine which may extend to Rs. 5000.

Now I come to clause 41. This also has some bearing on the subject matter which we dealt with in relation to clause 9. If hon. Members will refer to page 41, they will find that here it provides a substitute section for section 76. The intention here is to prevent owners who are actually responsible for the administration, management of the mines etc. from taking shelter behind some nominee and thereby rendering very ineffectual all

the penalties etc. that we are providing. It has, therefore, been laid down that some person who is residing there, and who is a person actually sharing both the benefits and responsibility will be held to be responsible if anything happens there.

Clause 43 is about limitation. This is only in order to avoid any difficulty regarding counting of the period of limitation. It has now been put as from every point of time during which the offence continues.

I have, Sir, gone through practically all the provisions of the Bill, the proposed amendments, which in actual fact will make any significant change either with regard to those provisions which confer certain benefits on the workers in the shape of leave with wages etc., or those provisions which are aimed at providing conditions of security and safety for the workers in this industry. This Bill has come after considerable deliberation and discussion and also consultation with all the parties concerned. There have been frequent consultations and, as I pointed out just a while ago, there has been a very recent discussion with the representatives of the managers who have pointed out that some of the new proposals are possibly too hard, too drastic, too severe, and they would like the matter to be reconsidered. They have explained that if we make those provisions less drastic than they now are intended to be, still it would be possible to secure the ends which we want to serve through this legislation. After fuller consideration of these matters we have also come to the conclusion that at one or two places those changes are advisable. I have mentioned one already regarding the cancellation of a certificate. There is another which refers to a provision about penalties. In the case of recurring offences, where the offence is repeated or the intention was to provide for a very stiff penalty, that it should be both imprisonment and fine making imprisonment compulsory. We

have heard them and we feel that it may, possibly, at least for the present serve our purpose if we omit that and make an alternative provision that the penalties in cases of repetition will be double what it was for the original offences.

I have covered the ground in all matters of essentials which are being brought up through this proposed legislation. I believe, in view of the fact that this matter has been very closely examined and we have also recently had a discussion of the Bill in our informal consultative committee on labour—this is in relation to the information that I got that there is some idea of moving a motion for reference of the Bill to a Select Committee—that it may not be necessary to refer it to a Select Committee.

Sir, I have done.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Mines Act, 1952, be taken into consideration."

I find that there are certain amendments. Is Shrimati Ila Palchoudhuri moving her amendment?

Shrimati Ila Palchoudhuri (Nabadwip): Yes.

Mr. Deputy-Speaker: Has she given the names?

Shrimati Ila Palchoudhuri: I have the names of Members from Lok Sabha.

Mr. Deputy-Speaker: Is Shri Samanta moving his amendment?

Shri S. C. Samanta (Tamluk): Yes.

Mr. Deputy-Speaker: There are some others also, but they have not given the names.

Shri Aurobindo Ghosal (Uluberia): I have given the names. I am moving my amendment.

Mr. Deputy-Speaker: Shri Tridib Kumar Chaudhuri is not here. So there are only three amendments.

Shrimati Ila Palchoudhuri: I beg to move:

That the Bill further to amend the Mines Act, 1952, be referred to a Joint Committee of the Houses, consisting of 24 members; 16 from this House, namely Shri Arun Chandra Guha Shri Chaplakanta Bhattacharyya, Shri Satish Chandra Samanta, Shri Aurobindo Ghosal, Shri Bibhuti Bhushan Das Gupta, Shri Tridib Kumar Chaudhuri, Lala Achint Ram, Shrimati Mafida Ahmed, Shri Joachim Alva, Dr. K. Atchamamba, Shri Upendranath Barman, Shrimati Renu Chakravartty, Shri Subiman Ghose, Shri Bimal Comar Ghose, Dr. Ram Subhag Singh; and the mover and eight members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make;

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee.

Shri Aurobindo Ghosal: I beg to move:

That the Bill further to amend the Mines Act, 1952, be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely Shri Diwan Chand Sharma, Shri K. R. Achar, Dr. G. S. Melkote, Shri Satish Chandra Samanta, Shri Yadav Narayan Jadhav, Shri Braj Raj Singh, Shri Naushir Bharucha, Shri Surendra Mahanty, Shri

[Shri Aurobindo Ghosal]

Bibhuti Bhushan Das Gupta, Shri T. B. Vittal Rao, Shri Chintamani Panigrahi, Shri Dharanidhar Basumatari, Shrimati Ila Palchoudhuri, Shri N. R. M. Swamy, Shri Ansar Harvani, Shri B. C. Kamble, Shri Ram Krishan Gupta, Shri Bahadur Singh, Shri T. Sanganna and Shri Aurobindo Ghosal and 10 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make;

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee. (21)

Shri S. C. Samanta: That the Bill be referred to a Select Committee consisting of 20 members, namely Shri Arun Chandra Guha, Shrimati Ila Palchoudhuri, Shri Diwan Chand Sharma, Shri Ram Krishan Gupta, Shri Bhakt Darshan, Shri Ram Chandra Majhi, Shri T. B. Vittal Rao, Shri Bibhuti Bhushan Das Gupta, Shri Raghunath Singh, Shri Dharanidhar Basumatari, Shri Tekur Subrahmanyam, Shri H. C. Heda, Shri Shree Narayan Das, Shri Tayappa Hari Sonavane, Shri Radhelal Vyas, Shri T. Sanganna, Shri C. R. Narasimhan, Shri Vidya Charan Shukla, Shri Bangshi Thakur and the mover with instructions to report by the last day of the first week of the next session, (20)

Mr. Deputy-Speaker: So, we have got three amendments: No. 1 by Shrimati Ila Palchoudhuri, No. 20 by Shri S. C. Samanta and No. 21 by Shri Aurobindo Ghosal.

Shrimati Ila Palchoudhuri: Mr. Deputy-Speaker, Sir, in view of the fact that the hon. Minister has just now said that he has explained why the Bill should not go to a Joint Committee, I would yet ask him to consider if it would be possible for the Bill to be sent to a Joint Committee, because there are many points of view that have to be considered in this Bill. The fact that this Bill envisages more safety for the workers has evoked commendation from every side, and this is a matter of great satisfaction. In some of the clauses, provision for more safety has been made; for example, in every mine wherein more than 150 persons are working, more safety has been provided, and the original Bill has been really improved. But there are one or two things that I think I may bring to the notice of the House while speaking on the amendments, but, at the moment, I think a Joint Committee would be very useful from the Minister's point of view as well as from the point of view of those who wish to put in their opinion on the Bill.

Secondly, there are certain amendments which I have tabled. It is not because I wish to make some criticisms on the Bill but I really think that those amendments should be adopted because they satisfy the purpose for which this Bill has been brought forward.

Mining is a hazardous experience. There will be hazards, and we can hardly do anything to eliminate them completely and any care that may be taken of the workers has to be taken. At the same time, we should not lose sight of anything and do anything unduly that may result in any harassment of any party. There, I will certainly say that in clause 40 which seems to amend the existing sections 73 and 74, penalties are imposed. I would certainly ask the Minister to consider the cause of accidents. For instance, we find the following figures in relation to the fatal accidents during 1952-1956. Misadventure, 191; fault

of management, 31; fault of subordinate supervisory staff, 39; fault of people who were really hurt, injured or who died actually, 21; fault of co-workers, 30; fault of the material employed, 1. So, you will find that the percentage of fatal accidents particularly attributable to the management is 10.47 per cent. That, I claim, is not a small percentage. But I would say that our mines have improved a great deal. At the same time, I would like the Government to try and see that our mines are equipped—including the Government-worked mines—with modern amenities and facilities, especially as regards safety. They should be as modern as can be managed. That is a point that should be attended to by Government. From every point of view, we must have the most modern equipment; we should have the safest equipment. By every means we must ensure the safety of the mines.

Now, when we say that the management is always at fault, that again is an attitude which I do not think is very healthy for the industry. Secondly, when there was the Amlabad explosion in 1965, the court of enquiry had recommended that inspectors should serve as mine managers for at least five years before being entrusted with an inspector's responsibility. This recommendation has never been accepted by Government. An inspector must be fully qualified to know what is happening in a mine and to realise the full value of what he is going to inspect. Actually, nowadays, when we look at the number of inspectors available, we see that the position is this—I do not know if I have got the figures with me. Out of 43 inspectors, 26 posts are vacant. Who will fill these 26 posts? It will be the junior inspectors who have no idea of the working of the mines. So, all this has to be looked into before the Bill is actually taken up. When I press my amendments, I will give my reasons in greater detail.

I would ask the hon. Minister to see that the inspectors are not only fully aware of what they are going to do,

but they should really be trained men. The managers of the mines have as much risk to run as the workers. They are inside the mines as much as the workers. So, we should not take the attitude that the managers run no risk. I am making no plea for the managers nor am I for more risk for the workers. But I say there should be equitable justice for all. In that sense, the sections relating to overtime, leave and so forth should be made applicable from 1st January, 1960. Let the workers get those benefits as soon as possible, because theirs is a hazardous job and they should get every comfort and advantage possible. But at the same time, it must also be seen that the interests of the managers and the owners and the industry do not suffer as a whole.

Lastly, we in India do not seem to have any kind of training for safety as is envisaged in most other countries of the world. For instance, here workers work underground in dangerous conditions and there are no evening classes where every day he is told about the dangers he should guard against. In England this is done. In many other western countries also this is done. While not having the very best equipment everywhere, at least let us have audiovisual aids through which the workers can be told three or four times a week. "These are the conditions under which you are working and these are the things you must not do" because, when we handle fire, we very often forget that fire burns. We become oblivious of the safety measures. Possibly the managers do enforce the safety measures, but the workers neglect them. I think the manager or the owner is hauled up in every case, whereas the person who really endangered the lives of hundreds of workers is not hauled up. This is a case which the hon. Minister must consider.

It is for these reasons that I have tabled this motion for referring the Bill to a Joint Committee, where all these things could be discussed and all points of view could be expressed

[Shrimati Ila Palchoudhuri]

Some sort of safety clause to ensure the Safety of the Workers should be put there, so that they could be trained in safety measures. We have a mining training school, but that is for the higher personnel. But people who are ignorant, who do not know the value of taking the safety measures and who jeopardise their lives without knowledge, must be trained.

There is a clause here that women will be debarred from working beyond a certain number of hours. Nowadays I think most mines do not allow women to work underground. Possibly if they are doing this, this should be discouraged. More and more rules and legislation should be brought forward, so that women are not made to work underground.

Shri T. B. Vittal Rao: (Khammam): It is banned.

Shrimati Ila Palchoudhuri: Women should be discouraged and not encouraged to work underground. I think the Ministry should also, by pamphlets and other things, encourage this trend; that is what I meant.

I hope the Minister will seriously discuss the whole thing in a Select Committee, because in an informal committee it is not really possible for everyone to point out all that he wants. These workers who give us the black diamond are an asset to India. So, their safety must be assured. Then, the managers and the owners are also an asset to India. They have exploited the mines, so they are also assets to India. The black diamond can add to the wealth of India only if it is properly and legitimately utilized. So, the legislation should be such that the industry does not suffer and gets full scope for development. Therefore, it is necessary to give scope for everybody to put their point of view to the Minister before the legislation is passed. That is why I commend my motion for reference to the Joint Committee, and I hope the Minister will accept it.

Mr. Deputy-Speaker: Has she secured the consent of all the Members?

Shrimati Ila Palchoudhuri: I have secured the consent of most of the Members and I am at the mercy of others. I hope they will not object to it.

Mr. Deputy-Speaker: The names are, Shri Arun Chandra Guha, Shri Lakanta Bhattacharyya, Shri Chandra Samanta and so on. Shri Samanta has agreed to serve on this Joint Committee when he has a mention in his name?

Shri S. C. Samanta: In any case, two amendments cannot be taken up; only one will be adopted. If this is adopted, I will serve on the committee.

Shri A. C. Guha (Barasat): I think the names are not relevant in this case, because if the Government accept the proposal to refer it to a Select Committee, they will themselves come forward with a list.

Mr. Deputy-Speaker: The hon. Minister has made it clear that he is not going to accept it. But, for my purpose, I must be assured that the consent of the members has been taken.

Shri Nanda: May I add a word? With reference to the purpose in view I do not see what distinction there is between an informal committee meeting dealing with this matter or a regularly constituted committee dealing with it. Because, as I have said, we have already met before, and we have gone through the Bill. But I am prepared to meet them again, today or tomorrow evening, which will be an even more effective procedure for the purpose of bringing out the intention and, if need be, to amend the provisions, though I hardly see any ground for that. Because, we have gone to the utmost limit to accommodate every possible point of view, and considering the amendments which are before us, I do not think there is useful pur-

pose in having a regularly constituted committee. As I have stated, we can always meet and discuss.

Mr. Deputy-Speaker: May I know whether Shrimati Ila Palchoudhuri and Shri Samanta agree to the proposal now made by the Minister? I think they agree to that. Therefore, I am not placing those motions before the House. What about Shri Ghosal?

Shri Aurobindo Ghosal: I am not withdrawing it.

Mr. Deputy-Speaker: Has he got the consent of all the Members?

Shri Aurobindo Ghosal: Yes.

Mr. Deputy-Speaker: The first name is Shri Diwan Chand Sharma. He is not here. How could he get his consent?

Shri Aurobindo Ghosal: Yesterday he was present here.

Mr. Deputy-Speaker: Then the names are Shri K. R. Achar, Dr. G. S. Melkote, Shri Satish Chandra Samanta, Shri Yadav Narayan Jadhav etc. Most of them are absent.

Shri Aurobindo Ghosal: They were all present yesterday.

Mr. Deputy-Speaker: All right, if he persists, I will admit it. The amendment of Shri Aurobindo Ghosal is before the House.

Shri T. B. Vittal Rao: Mr. Deputy-Speaker, I have very carefully heard the hon. Minister while he moved the motion for consideration of this Bill. This Mines Amendment Bill is brought after the lapse of eight years or 7½ years of the working of the Act. I would have naturally expected that all the experience which we have been able to gain during the long period of the working of Act would have been reflected in the amendments that have been proposed by the Government. I must confess that I cannot wholeheartedly welcome this Bill, nor

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oppose this Bill. I do so with a mixed feeling because of a few benefits that are conferred on the workers.

Mining is the most hazardous and arduous of all professions. There are miners who go down to depths ranging from 1,000 to 10,000 feet below the ground to dig from the bowels of the earth the various minerals. Not only that. There are miners who have to scale a height of 6,000 feet above sea level to raise iron ore for running the steel industry. Because, every industry depends on the mines and minerals are the basic raw materials for every industry. So, these people, a little over six lakhs, who are working in the various mines in our country are really responsible for keeping the wheels of every industry moving.

Last year, these six lakhs of miners contributed to the national income of Rs. 130 crores. Annually, the contribution made by these people is rising. Not only is production rising, but productivity of workers also is rising. That is the position which we have to consider. Therefore, these workers deserve to be treated in a better way than any other workers, because these workers are exposed to risks many times more than their counterparts in the various other industries.

What do we find in the amending Bill? In liberalising the annual leave with wages, we are bringing them on par with the workers in the factories, or a little more than the workers in the factories. They deserve much more than that. Surprisingly enough, I find there is no provision for these miners for sick leave. Whatever leave they have earned, that is, annual leave with wages, they have got the option to commute it into sick leave. May I know if there is any industry or any employment which does not make any provision for sick leave? The factory workers who are insured under the Employees' State Insurance Act, get 56 days' sick leave with half wages. Unfortunately, these miners do not have any provision made for them.

[Shri T. B. Vittal Rao]

One important thing which has been agitating the minds of the trade union organisations, the trade union leaders and the workers is about the reduction of working hours for these miners.

Only a few months ago I happened to participate in an international conference of Miners. I met the representatives of miners from various countries, and I found that in many countries the underground workers work only for 36 hours a week. In some cases it was 42 hours, and in the U.K. it is only 40 hours. In a week of seven days they have to work only for five days at the rate of eight hours a day. Is not our country yet ripe for introducing some reduction in the hours of work? If you take into consideration the circumstances in which our miners are working, their productivity does in no way lag behind other workers in the world. Only the other day I was reading the speech delivered by Shri H. V. R. Iengar, Governor of the Reserve Bank, wherein he has compared the output and the productivity of the Indian worker and said that it is good compared to others.

So, I have moved an amendment for a reduction in the working hours of these miners by a very small extent. I do not know whether the Minister will accept it or not, but this is one of the burning problems agitating the minds of the miners.

Coming to annual leave with wages, if you work it out concretely, in a progressive mine there are in a year of 365 days only 300 to 302 working days, and if you compute at the rate provided in this amending Bill, even if a miner attends all the working days, which is rarely possible under the present working conditions, he would be eligible to not more than 20 days in a year, and those who work on the surface will get a little less. Therefore, at least a minimum of one month for these underground miners is quite reasonable to expect due to the conditions in which they work.

It may be argued on behalf of the Government that the Government is giving effect to the decisions of the Industrial Committee on Coalmines, but may I submit that this Committee met in August, 1956 and the conclusions arrived at by it are a little out of date in the context of the present conditions?

Then I come to the other provisions of the Bill. Some provisions have been made making it compulsory for keeping and maintaining first-aid boxes, medical appliances and apparatus at the work site. This is a very welcome provision. I was in correspondence for some time with the Ministry regarding the question of transportation of miners when they are injured. They said they would take this into consideration when the Mines Act was amended. I wanted that the number of ambulance vans that should be kept at the mines should be related to the strength of the workers employed in the mines, so that there can be adequate provision for transporting the miners who are injured to the hospital, because timely attention to an injured person in an accident may save his life. Much depends on the immediate attention that is paid to the injured worker.

15.45 hrs.

[SHRI C. R. PATTABHI RAMAN in the Chair]

I do not know how they are going to provide for this with the very vague provision that we find in this Bill. For, I know that a company which employs about ten thousand persons has got only one ambulance van to go about; and sometimes, the injured persons have to wait for two to three hours before they could get the ambulance van and be transported to the hospital which is five to eight miles away.

Then, there are some provisions about courts of inquiry, about delegation of powers to the inspectors by the Chief Inspector of Mines etc. We

have been discussing the question of safety in the mines in the safety conference and in various other places. Unfortunately, even after these conferences, the position has not improved to the desired extent. Since 1954, with the exception of the year 1957, we have been seeing disaster after disaster. In 1954, we had the Newton Chikli disaster when there was flooding of the mines due to inundation. Then, in 1955, we had the Amlabad explosion. In 1958, we had the most horrifying disaster, namely the Chinakuri disaster. Courts of inquiry have been constituted. I was very happy when this was announced. I happened to be a participant in them in the sense that I took a very lively interest at least in two courts of inquiry. But I was very much disappointed at the way the whole inquiry was conducted. Nowhere did I find any desire on the part of the Chief Inspector of Mines or others to bring to bear the research aspect upon the inquiry; that was absolutely absent. On the other hand, what I found was that the manager became almost like a criminal, and they began to prosecute him, the department of the Chief Inspector of Mines acting like a police prosecutor. Of course, I do say that whosoever is responsible for the accident should be punished. But in a court of inquiry, the research aspect which should have been there was absolutely absent. Apart from finding out the causes of the accident, apart from laying the blame on the person responsible, what was required in these inquiries was a thorough going into the matter, but that was absolutely absent. There was no desire either on the part of the Chief Inspector of Mines or his inspectorate to look into the matter in that fashion.

So far as the present inspectorate is concerned, except one or two inspectors here and there, nobody else commands any respect from the managers or the workers or the trade union organisation, for that matter. This is a very unfortunate position. One of the reasons is that owing to the low salaries which are offered

as compared with those of the managers of the mines, the best talent is not at all attracted to this inspectorate of mines. Moreover, we see the best of the talents working as mine managers, agents and general managers. This is the strange paradox that we see. I might even go to the length of saying that there are some self-sacrificing managers who are manning our public sector. Everyday, they are in demand by the private sector who promise them twice as much salary as they are drawing today. In some cases, it ranges up to even Rs. 7000 per month. But these managers have refused to go and work in the private sector, and are working in the public sector. So there are amongst our people patriots who want our mines to develop on a very big scale. But how is it that the Inspectorate of Mines does not attract the best talent in our country? This is a thing which we should seriously go into. I do not know how the whole thing will be rectified, but this is the serious position in which our country stands today. Until and unless you improve the standard of the inspectorate staff, you are not going to decrease or reduce the incidence of accidents in the mines.

As regards the cancellation of certificate, I do understand that the delay causes a sort of harassment. That is why the question of the suspension of the certificate of a manager, against whom a *prima facie* case exists due to an accident, is being taken up. In Newton Chikli, for example, there was a court of inquiry which sat for nearly 9 months or so. It gave its findings. It held the manager responsible for the accident. Then a second court of inquiry was appointed to go into the question of the cancellation or suspension of the certificate of the mine manager. It came to the finding—it was a majority finding—that the manager was nowhere responsible, and only the surveyor was responsible for not keeping the plan. Therefore, he had been let off. What is happening? Prosecution is being launched against him now on the basis of the first inquiry. Could we not do away with this dual

[Shri T. B. Vittal Rao]

inquiry? When one court of inquiry presided over by an eminent Judge and assisted by a mining engineer has held that he is responsible we have a second court of inquiry to which was referred the question of cancellation of the certificate and which comes to the conclusion that the manager is not responsible. In the second inquiry also, they had associated with them one of the best mining engineers. When I finally asked Government whether they would withdraw the prosecution launched against him on the basis of the first inquiry, they said 'no'. I do not know how these things happen. I was always of the opinion that there should not have been two courts of inquiry. This matter of the suspension or cancellation of the certificate should have been referred to the first court of inquiry which inquired into the causes of the accident.

Now the scale of punishment has been increased probably in the hope that it will act as a deterrent to the mine-owners and will thereby ensure proper safety measures in the mines. This is what we all desire. I have no sympathy with some of the managers. There are some managers who are just appointed by the mine-owners. They do not take part in the administration or working of the mine. Because there is the Act, they are appointed. They are there only to sign certain forms which are sent to Government. This is the position in some mines. The owners are all in all. There has been a persistent demand that this profession of mine managers should be nationalised and that the Government should take them over and appoint them and send them to the mines and they should be held responsible for the proper working. They should be responsible to the Government and not be left to their fate under the greedy mine owners. In our country, there are two sets of people. We have got greedy mine-owners like the owners of the mica mines in Gudur or the coal mines in Bihar. At the same time we

have progressive mine-owners also. The mine managers are made a scapegoat by these greedy mine-owners. They have been able to get over the provision by which they are also made responsible for some things. I am placing these things here because of the dissatisfaction among the mine managers. On the one side there is the worker; on the other side, the Chief Inspector of Mines. On the third side, there are the trade union organisations. I firmly believe that if our mines have to develop and progress, that will depend upon two people—the workers, that is, the skilled labour force and the managers. To allay their fears something should be done. How many mine-owners have been prosecuted so far? I have not come across a single instance. On the other hand, the managers are being harassed on all sides.

All these things were thoroughly discussed in our conference on safety measures and I thought that all these things would be taken into consideration and a comprehensive amendment of the Mines Act would be undertaken. I submit with all humility that the Government have not taken this matter with the seriousness that it deserves. We are thinking of a Third Five Year Plan. It is going to give far greater importance to the development of minerals which are going to play a leading role. As such, a comprehensive Mines Act is very essential.

There is one very important aspect and that is that there is no training before a worker is sent underground—not even a preliminary training. That some provision could have been made so that no worker could be sent underground unless he had undergone training for a few months or even a fortnight. Today he is just recruited and sent in. He does not know what precautions he should take. You will find that the incidence of fatal accidents in which the workers are involved is the highest among such people. This was one of the important things which the com-

ference discussed. It made a recommendation.

To amend this Act it took eight years experience. I do not know when the next Mining Amendment Bill will come which will include the provision for training before a person is being sent underground.

16 hrs.

Sir, a very salutary provision has been made, when there are differences of opinion between the Chief Inspector of Mines and the mine manager the matter may be referred to a committee. To expedite matters I have suggested an amendment that it may be referred to a committee or the Mining Board. Mining Boards have been constituted in many States except in one or two places. These matters could be referred to them for decision. The constitution of a new committee itself will take a long time. After that they will enquire into the whole thing and it will take a long time before they give their decision. Therefore, immediately when such differences arise and there is an appeal by the mine manager to the Government they can refer the matter to the Mining Board. In the Mining Board there are representatives of the management and also the workers and it is presided by a person who is nominated by the Government. Therefore, with a view to quickly dispose of such appeals they may be referred to a Mining Board wherever the Government thinks that it can do so.

I now come to the question of medical examination. After the enforcement of the Coal Mines Regulations we have had a very bad experience. The Government do not constitute a medical board. A person who has got grievances against the medical officer of a company can only go to a medical board and the medical board is not constituted. On the plea of the new Mines Regulations several workers, several able workers are sent for medical examination and declared medically unfit. Sometimes ago they were giving a

certificate to the effect that such and such a person is medically unfit for underground work. Then the management or the company has to provide him with an alternative appointment on the surface. Now the medical officers have been advised that they should say only "medically unfit". We want that medical examination should be there, but if the management use it in such a way as to make persons medically unfit, to reduce the strength of the miners, that should be guarded against. Proper medical boards should, therefore, be set up where these workers can go. In Kolar gold fields I know instances where workers were declared medically unfit for silicosis and they went and joined the Hatti gold mines. They got jobs there and they were found to be all right. We are for proper medical examination, but what I say is that such abuses should be prevented by the proper constitution of a medical board.

Even in the amending Bill it is said that the Government will frame certain rules under certain provisions of the Bill. I have got a bitter experience of these powers in the hands of the Government, because they delay matters very inordinately. The Mines Act came into force on 1st July, 1952. During these seven years which have elapsed, what have we done? Till now, the metalliferous mines regulation has not been enacted. This has been discussed in the Industries Committee in April, 1958. It does not see the light of day. I was advised by the Deputy-Speaker to take up this matter with the Committee on Subordinate Legislation. I referred this to that Committee some eight months ago. They too were not helpful in forcing the Government to promulgate the metalliferous mines regulations. If this is the case, I am afraid what will happen to the rule-making powers provided in this measure. I only urge that these rule-making powers which have been vested with the Government under this Bill will

[Shri T. B. Vittal Rao]

be expedited and that Government will expedite the promulgation of the rules.

I shall refer to a very important aspect before I conclude. It is about the question of worker-inspectors. In some countries, there are worker-inspectors elected by the workers and they go and inspect the mines and submit a report. Their report has got the same force as the report of the Government Inspector. In this amending Bill, a provision to that effect could have been brought in. Probably, the Government thinks that the trade-union organisation ratio in the coal mines and in other mines also is very low. It is only 25 per cent. Therefore, they might not consider this question. But I say that trade union organisation ratio in the coal mines is very low due to several reasons; due to the backwardness of the workers, and due to certain other factors which come to play. I do not want to enumerate them here. But this should have been the proper time to have brought in such a legislation and incorporating the provision for worker-inspectors in this Bill.

You will be surprised to know that in the Soviet Union, when a worker-inspector submits a report about any negligence the trade union committee has got the right to dismiss the management. This is what we were told in the International Conference of Mines. Here, I do not want to ask for such wide powers when they do not even give powers for others. We may be inexperienced in technical things, but the workers could nominate some people who are technically qualified. As was pointed out just now, in the Industries Committee, we discussed over and over again and recommended that no inspector should be appointed as an inspector of mines unless and until he has experience of five years as a manager in a mine which has got a monthly output of 10,000 tons. What

has happened to that recommendation?

I do not know whether the Government will accept all my amendments. At least if they accept a few of them it will go a long way to benefit the workers and also it will be taken as an earnest of the Government's intentions to improve the working and living conditions of the miners in India.

Shri Aurobindo Ghosal: Mr. Chairman, Sir, I welcome the Mines (Amendment) Bill with mixed feelings, because, though there are certain provisions for improving the conditions of the workers, still, this is not a comprehensive legislation incorporating all the points which were discussed in the sub-committees and also in the Safety in Mines Conference.

Regarding the amendment of the penal clauses which have been made more severe and deterrent, our experience has been that there is always a provision for fine in lieu of imprisonment and invariably when the cases go to the magistrate's court, they get the punishment of fine instead of imprisonment. Not only that; even in the case of fines, very small amounts are imposed on these persons who violate the various mining clauses and regulations. Even the hon. Labour Minister said in the informal committee that in 90 per cent of the cases, the magistrates impose very small punishments on the persons who violate the mining regulations. Naturally, when you make it deterrent or severe, it does not matter in the case of those persons who violate these provisions, because they know that only small fines will be imposed on them and not imprisonment.

Some provisions have been made to improve the safety measures, but I regret to find that the recommendations which were made jointly in the

Safety in Mines Conference have not been incorporated in this Bill. The main recommendations which were taken in that conference were taken in the C Group Committee. If you go through these recommendations, you will find how important they are. They were also jointly accepted by the Government officials, employers and the trade union representatives. Recommendation No. E-1 is in regard to the definition of agent, which has also been accepted partially in this Bill. Then, Recommendation No. E-2 says:

"Where the owner himself directly supervises and directs the work at the mine, he must carry direct responsibility for safe operation in every case."

This has been agreed to by all the parties present there.

Recommendation No. E-3 says.

"The Mines Act should clearly provide that all instructions regarding technical matters (even by an owner or an agent) should be routed through the manager".

That was also agreed to jointly.

Recommendation No. E-4 says:

"To enable the manager to devote more attention to safety matters, the non-technical obligations relating to the building of Canteens, creches, etc....should be taken away from the manager....".

That has also not been incorporated in this Bill.

Recommendation No. E-5 says:

"The status of surveyors and other supervisory officials should be improved commensurate with their responsibilities and duties."

In regard to that also, no provision has been made in this amending Bill.

Recommendation No. E-8 is important. It says:

"No safety official shall be dismissed unless his case been discussed in the Pit Safety Committee."

I do not know whether it will be incorporated in the mining regulation. Such important clauses should have found a place in the body of the legislation.

Then I come to recommendation No. F 2, which has been referred to by my hon. friend, Shri T. B. Vittal Rao, which is an important recommendation. It says:

"Workmen should have the right to get the mines inspected by their chosen representatives. Such representatives should be specifically excluded from dealing with the matters relating to wages, labour disputes etc."

This point was discussed at length and it was agreed by all parties concerned that some such provision should be made in our legislation to inspect the mines. That should also be incorporated in the Bill to increase the safety consciousness among the workers. That has not been done.

Then I come to recommendation No. F. 4, which relates to the Safety Committee. There was no difference of opinion regarding the composition of the safety committee in the mines. It was recommended unanimously that in most of the mines the safety committee should be constituted, composed of the employers' and workers' representatives, so that if any violation letter is received by them, they could make enquiries into those complaints. This is an important thing, and that has also not been incorporated in this Bill.

Then, recommendation No. HB 2 is an important one, and that is regarding the possibility of appointing special mining courts. It reads:

"The possibility of appointing Specially Mining Courts should

[Shri Aurobindo Ghosal.]

be explored to ensure that due importance is given to infringements of safety laws and that for proved contraventions the penalty awarded is sufficient to act as a deterrent."

I believe that instead of having deterrent penal clauses it would be much more advantageous if we have magistrate's courts which will try mining violation cases. For that purpose, some provision should have been made in our legislation also.

Then there is recommendation No. HB 10, which reads:

"Holding of enquiries by police authorities into mine accident should be prevented to obviate undue harassment to mine managements and workers."

It was agreed that the law should provide that no Manager should be arrested and removed by the police until the owner had been given sufficient time to post a substitute. That was already agreed to and accepted in that conference, but no such provision has been made in this amending Bill.

I now come to recommendation No. M, which reads:

"A medical inspectorate should be set up early, within the Mines Department, to undertake regular industrial hygiene surveys in mining areas."

In this Bill provision has been made to maintain first aid boxes. Mines with a capacity of 150 men will be bound to maintain first aid boxes. From that point of view, in order to have more safety for the workers, this recommendation should have been accepted.

Then I would like to mention another point, which has already been referred to by Shri Vittal Rao, regarding dual enquiry. This dual enquiry is not a good thing. Suppose one court which holds the enquiry is of the view that the man is at fault, but the next court holds that the man is not at fault, there is a contradiction between the two judgments. In order to obviate this difficulty, it is better that the first court should be given authority to judge also whether the certificate of that mine should be cancelled or not, if you like you may make a provision for an appeal. Instead of providing for two courts for the self-same thing where contradictions may arise, it is better to provide a clause for appeal against any other order made in the enquiry.

When the Safety of Mines Conference was convened, it was thought with all seriousness that when the next Mines Amendment Bill comes, all the recommendations which were considered and accepted in that Conference would be taken up and incorporated in it. But, to our utter surprise, we find that most of the recommendations which are salutary both to the workers and also to the Government have not been taken up, but have been by-passed. Naturally, I would request the hon. Minister to set up a Joint Committee and send the Bill to that Committee to consider about the recommendations of the Safety of Mines Conference and also the recommendations of the other tribunals and awards which have been made, and give us a comprehensive legislation in mines.

Shri A. C. Guha: Mr. Chairman, this Bill contains two sets of provisions. One set is meant to provide more safety measures. Another set of provisions is intended to put in some penal clauses. As far as the safety measures are concerned, I do not think there would be anybody in this House to take exception to the provision of all possible measures for

the safety of workers. Mining is a very difficult and risky job. There is always inherent in it an element of risk. Special care should be taken to see that the element of risk is eliminated as far as possible. But, that, of course, has to be done consistent with the interests of national economy.

I think most of the workers, about 80 per cent or more of the workers, who are engaged in mining work in India are engaged in coal mines. I am not sure about the figures; but I think it would not be less than 80 per cent of the mine workers. That is the biggest mining industry of our country. I think it will not be irrelevant for me to make a special reference to the coal industry, as far as the provisions of this Bill go.

Production of coal is the concern of another Ministry. But, the enforcement of the security measures is the responsibility of the Labour Ministry. This Bill should have the approval of both the Ministries. I am not sure whether the consent of the Ministry of Steel, Mines and Fuel, which is responsible for the production of minerals, particularly, coal, has been obtained and whether all their suggestions have been incorporated in this Bill and they have approved the Bill as far as the measures, particularly the penal provisions, are concerned. It is admitted that in working a mine, two sets of people are the most important: that is, the miners, the actual workers, and the managers. The managers are technical people and the mine workers are the skilled and unskilled labour who actually do the mining work.

This Bill has made some drastic provisions in respect of managers and I am glad that certain amendments have been given notice of by the Government to soften some of those provisions; yet, there are some other provisions which, I think, will make the position of the managers somewhat difficult in working the mines.

The main difficulty in this respect is the lack of proper working of the Mines Department of the Ministry of Labour and Employment. This has also been mentioned by my hon. friend Shri Vittal Rao. The lapses committee by the Mines Department may lead to certain things for which the Department may be eager to shift the responsibility on to the managers or the management of the mines. Some of the provisions, as they appear in the Bill, would leave an impression that the Ministry has drafted the Bill with a sort of fear complex. There have been public criticisms about some recent accidents, and so the Mines Department is naturally anxious to see that no responsibility attaches to itself, but that the responsibility of working the mines properly is shifted on to the management of the mines. I think that would not be a correct approach.

As has been mentioned by all the three previous speakers, the recruitment of inspectors in the Mines Department is not properly done. There has been a long-standing recommendation that an inspector should be recruited only after having an experience of five years as a mines manager. That has not been implemented and inexperienced men are recruited. This Bill have several provisions which would give a junior inspector immense power over the mines manager, an experienced mines manager, a very senior mines manager with all the technical qualifications. And if the mines manager cannot keep the inspector pleased, the latter can put the mines manager into difficulty whenever he likes to do so.

I would particularly draw your attention to clause 40 of the Bill under which several new sections like 72A, 72B, 72C etc. are proposed. The wording in 72A is: "Whoever contravenes any provision of any regulation or any bye-law or of any order made thereunder . . ." Similarly, in 72B, the wording is: "Whoever continues to work a mine in contravention of any order issued under . . .", and

[Shri A. C. Guha]

under 72C, it is: "Whoever contravenes any provision of this Act or of any regulation, rule or bye-law . . .". The number of these regulations, rules, bye-laws and orders would run into, I think, several hundreds. And I would challenge any manager to say that he has been running his mine without violating any of these. Almost every day some of these are violated. They may be of a very minor nature. If they are of a serious nature, then of course some disaster may happen. But now, if a junior inspector is somehow unhappy with a mines manager, for any small violation of any of these rules, regulations, bye-laws and orders, he can put the mines manager into trouble. The manager then runs the risk of imprisonment. I think that would not lead to the healthy working of the mines.

Already in our country the man-shift output of coal is very much below the standard of other countries. It is only about 0.41 ton, whereas in other countries, it is about four times this. I think in UK it is 1.38 tons, in Germany 1.35 tons, in Belgium 1.21 tons, in U.S.A. it is 1.66 tons and so on. But in our country, it is only 0.41 ton per man-shift production. If we make the working of the mines more and more difficult, then the production in the mines per man-shift will still go down. Already, our target for the Second Five Year Plan has not been fulfilled, and I am afraid, may not be fulfilled; I am afraid 60 million tons of coal will not be raised by the end of next year. The Third Five Year Plan puts the target at 110 million tons or something like that. So, I would submit that the working of the mines should not be made so difficult as to make the raising of the minerals, particularly, of coal, difficult. Coal is a basic material for all industry. If coal is not in sufficient quantities, according to the requirements of the nation, or if the cost of raising coal goes on rising, that would mean a handicap for the expansion of industry, and all the

industrial products will cost more than at present.

I am afraid this Bill may have some adverse effect on the total raising of coal and also the per man-shift raising of coal; I am not so sure of its effect on the other mines, but in the case of coal, I am afraid this may be the result. The price of coal also may go up due to these restrictions.

There are several provisions in this Bill which would make it very hard for the managers, particularly the provision in the proposed sections 72A, 72B, 72C and 72D, which provide for compulsory imprisonment which may extend to two years. No option is left to the court to award anything less than imprisonment even in the case of minor offences, because the language here is categorical:

"shall be punishable with imprisonment for a term which may extend to two years".

Further, it is not merely imprisonment but also fine. This may scare away our young men from going in for mining engineering. If they go in for civil engineering or electrical engineering or other types of engineering, they would not have to run the risk of these penal provisions, of being imprisoned even for a little infringement of the rules and regulations. And why should they go in for mining engineering? I think the pay-scales in the mines are not also so attractive as to draw the better types of young men, in spite of these penal provisions. That is a point which the Ministry should take into consideration.

Then, the cancellation of the certificate of a manager on the report of a junior inspector is also a very high-handed provision. Cancellation of the certificate of a manager who has got the certificate after finishing an academic course, and who might have worked for several years, should not be left to be dealt with so lightly.

The hon. Minister has objected to referring this Bill to a Select Committee. He has mentioned that he had discussed the provisions of this Bill in the informal consultative committee. I am not a member of the informal consultative committee of the Labour Ministry, but still I was invited. I attended its meeting on one day; and we discussed just one clause. That also, at least according to my impression, was not finally decided upon. The next day, I was busy in the House with some work, and, therefore, I could not attend. Those were the only two sittings of the informal consultative committee which I think were held on this Bill. I do not think that that can be a proper substitute for a Select Committee. I still feel that the Bill should be sent to a Select Committee. Nothing would be lost by that. If the Bill is delayed by about two or three months, I do not think any serious damage would be done to the mining industry or to the miners. If any financial provisions to the benefit of the miners are in the Bill, the Select Committee can see to it that retrospective effect is given to those provisions so that the miners may not lose anything on that score. As far as the other provisions, I think it is better that the Bill be considered by a Select Committee.

My submission is that no industry can be run without the co-operation of the managers and also, to a certain extent, of the owners. If the mining industry is nationalised, it is quite well and good. I would lend my support to such a proposal. But if private ownership is retained, the private owner must also be given a fair deal. I think some provisions of this Bill cut into their natural expectations from a democratic Government, from a Government based on the ideal of welfare. But my main point is that consideration should be given to the point of view of the managers. They should be given a sense of security and the provisions of the Bill should not be made so difficult as to deter the progress of the mining industry or the production of minerals or unneces-

sarily increase the cost of the minerals, particularly of coal. From this point of view, I suggest that the hon. Minister may consider the question of sending the Bill to a Select Committee. I can assure him that the Members will fully co-operate. There is no intention of delaying the Bill unnecessarily. If the Bill had been introduced earlier, I think by this time the Select Committee discussions might have been over. But I suggest that he may still consider the proposal.

Shri Surendranath Dwivedy (Kendrapara): I welcome this measure. It is a much-desired piece of legislation. I am not very much enthusiastic about the proposal for reference of this Bill to the Select Committee only for this reason that I feel that this Bill is very limited in scope and not much can be achieved by such a reference. It will only delay the passage of the Bill.

But I have a feeling that the Ministry did not give serious thought to the labour problem in mining, as it should have. I was expecting that a more comprehensive Bill from all points of view, taking into account the experience of the working of mines for the last several years, would be brought before the House and we would have a thorough discussion on it, because, as we see, about 7 lakhs of workers are engaged in this industry which is one of our key industries, on the development of which much of our progress in the Third Five Year Plan depends. What does our experience show? If we look to the reports of the Chief Inspector of Mines, we will see that in many cases there had been gross violations even of the existing Act. I heard a plea made by some hon. Members regarding the private owners. They want to appeal to the House and say that after all it is a democratic Government and they have to play their part and they should be shown some consideration. Only because of that consideration, the hon. Minister is probably thinking of changing some sections which were not provided in the Bill. What do we

[Shri Surendranath Dwivedy]

find? If we see the report of the Chief Inspector of Mines—I am referring to the last report, published in 1958—we find that there had been 171 prosecutions for non-appointment of managers under section 69. Even prosecutions for other violations are increasing. In 1955 the number was 301 but in 1958, it is 343.

Shrimati Ila Palchoudhuri: What kind of violations?

Shri Surendranath Dwivedy: Various kinds. All types of violations. I have already mentioned about the non-appointment of managers. I will just cite one instance. There is a colliery called the Villiers in Orissa. For the last so many years, we have raised this question again and again in this House about this colliery. The owner of that colliery did not implement the decisions of the industrial tribunal; did not give wages to the labourers and did not follow the rules regarding safety and other things. Ultimately, it was a problem for the Ministry of Labour. All of us were trying to settle this issue as to how this particular proprietor could be made to pay to the labourers their dues. We proposed to the Labour Ministry that this mine should be taken over but the Ministry of Labour came forward and expressed their helplessness saying that it was not within their powers to do so and that it would depend upon some other Ministry. I thought that there would be provision in this Bill to punish such owners who deliberately violate the rules, misbehave and exploit the workers or to take over such mines. If as a result of that, the private owner says that he cannot run the mines, it is well and good for the country, if the mining industry is nationalised on account of the failure of the owners. The country will never excuse those people if they do not want to properly exploit these mines and run this basic industry of ours in favour of our national economy. What are

the conditions in these private mines? If any hon. Member happens to go to the mines especially owned by the private owners, he will see the miserable conditions of the workers and the way they are not given even the ordinary necessities.

What about housing? I want to refer again to the Chief Inspector's report. He says in his report:

"There was little response from the owners to the subsidy scheme of the fund for the construction of houses for the miners."

Shrimati Ila Palchoudhuri: Is not labour housing a concomitant to miners? Is it not the same as plantations?

Shri Surendranath Dwivedy: For housing labourers there are several other sources from which money is available. There is a particular fund here for which the mine owners are obliged to give a certain contribution for solving the housing problem of the mine workers. The report says that they are not coming forward, there is little response from the owners.

Therefore, what I feel is that this Bill is very limited in its scope. Of course, it improves upon the previous position, there is no doubt about it. Regarding safety measures, as many hon. Members have said—I quite agree, there can be no disagreement—that we should provide as much safety as possible to the workers who work underground. But when we find that there has been a gradual increase in the number of workers, both men and women, in this industry, it is but proper that at this time when we expect a bigger Third Plan we should make it foolproof so that the workers can work in these mines in a better atmosphere and put their heart to the work. That is the real problem. I agree when it is said that workers as well as managers are

assets. There is no dispute about it. But the ordinary normal rights and privileges of the workers must be given to them if we really want that they should really put their heart into the work.

I do not accuse the owners as much as I do the Ministry. I feel that we have taken up this matter very lightly. I have no doubt about the sincerity and intentions of the hon. Minister, but I feel that his sincerity and intentions are of no value if in the Bill that we have before us you do not provide stringent measures to see that the defaulting owners and proprietors of mines do not go according to their sweet will, misbehave and exploit the workers.

That is the only point, Sir, to which I wanted to draw the attention of the hon. Minister. Why have we another Mines Act? It is because we all accept the fact that there is a difference between the workers who work in the mines and the workers who work in different factories. We do not think, of course, that the Factory Act itself can be extended as it is to the miners. That is why we have a separate Act. Therefore, it is not only that we should try to provide in the Mines Act whatever is there in the Factories Act, but the Mines Act, I would say, should be such as would give the miners more than what is provided in the Factories Act. It should be more liberal in nature. Seven years have passed. What have we done? In 1952, when this legislation was passed in the lame-duck session of the Provisional Parliament, Members raised this objection and asked the Minister why such an important Bill was being brought then. Then the Minister had to say: "I am sorry this has not been brought to the House before". Then he also agreed that the provisions made in that particular Act, which we are amending now, were not quite satisfactory but because there had been some agreement he only wanted those agreed proposals to be

accepted by the House. The Bill was passed and even years have passed. I was surprised to hear Shri Vittal Rao mentioning that even some regulations have not yet been promulgated. That is how the Ministry is acting to see that the provisions of this Bill are properly implemented. That is why I was thinking—it is not a question of a Joint Committee—that this legislation should be comprehensive in nature. So far as that aspect is concerned, I say this measure has failed in its purpose and I do not think, although there is some improvement, this Bill is going to create conditions in which the miners in our country will be encouraged to work hard.

Shri S. C. Samanta: Mr. Chairman, Sir, I am thankful to the hon. Minister for his having contacted the persons concerned with the mines, and for having changed sections 13 and 40 of the Bill. It is for this purpose that we wanted a reference of the Bill to the Select Committee. Still, I hold that other points are there for which this Bill should be referred to a Select Committee.

The hon. Minister has said that for the regulation of labour and for the safety of mines, this Act is being amended. It is true that in a hazardous thing like mining, it is essential that we should take great care to see that accidents become very small in number. The number of accidents that have been referred to by my hon. friend Shrimati Ila Palchoudhuri has been taken from the report of the Chief Inspector of Mines for the period from 1952 to 1956. From the report, we come to know that these accidents happen mostly on account of misadventure. If that is the case, if Government begins to tighten the department or the agents, or owners, etc., will they be successful?

In this connection, I would submit that the most essential thing to be done is the training of workers. In

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the Bill I find to my surprise that there is only one mention about training, and that is, there should be some rules to that effect. Why not those provisions come in the body of the Bill? If we are very eager to avoid accidents in mines, we must realise who is the prey to these accidents, and they should be given proper training. For want of training we are going to increase the punishment! We are going to increase the period of incarceration and the punishment. I am not against it. You may do as you want for tightening up these men. But, at the same time, those who are the victims of these accidents, should be trained. If they are trained properly, such accidents will be less. In that aspect, I find that the Bill has not given so much thought, and for that reason only, I would request the hon. Minister to refer the Bill to a Select Committee.

The workers who are mining underground have to gain an experience of eight or ten months just to know what is what. Why not you, from the Government side, make arrangements for training? Or, why not make it compulsory for the management, the owners and the agents to make arrangements for training? I would have been glad if that were done. Instead of punishment, this sort of thing should have been provided at their cost. This is a very necessary thing to which I would attract the attention of the hon. Minister.

Tripartite conferences have been held twice for safety. I think from outside real representations have not been made. All parties have not been heard. They said what they had said, but the decision had been taken otherwise. It is for this reason that I want this Bill to be referred to a Select Committee. Not only the owners, agents and managers but the workers should be heard by the Committee. It may be that what the representatives of the labourers put before the tripartite conference may not

at all times be true. We must hear from them also, because they are the fundamental people who run the mines and not the owners.

Sir, zamindari has gone, but I am amazed that in mining still there are the owner, the agent and the manager. The manager is always responsible, because he is the real key man, the technical man. If you nationalise the mines, you will want these managers to serve you. So, you must give them protection. Managers are nothing but the 'hand puppets' of the owners. I was put as an assessor in an enquiry regarding the Barradhemolliery. There we found that the owner was responsible, but the manager came forward and said, "I am responsible". This case is still hanging on, whether the certificate should be disallowed or not. These are the play things of the owners and the agents. Why should there be agents? Why so many intermediaries for running the mines? Let there be a owner and let there be workers. The manager, who is the key man, should be given free right to utilise the workers for the benefit of the mines and for the benefit of the country. If the managers are given free hold, they can work wonders.

17 hrs.

From the general point of view, miners do not intentionally act in such a way that accidents happen. Generally due to ignorance, they do such things and so much loss is caused not to the owners alone, but to the whole country. We are having a scheme for production of coal that for every successive Five Year Plan we must produce more. If we want to produce more, we must give proper encouragement to the workers. They must also be given training. Before a worker goes underground he should know what a mine is, what are his duties and what are the difficulties. If they are alert, I think they will catch the manager, or the agent, or the owner

for the causes of these accidents. So, I would request the hon. Minister to reconsider the question of referring this Bill to the Select Committee, so that improvements can be made in the Bill. If the hon. Minister is not able to accept it, I would request him at least to bring in such a provision in the body of the Bill for the training of workers. With these words, I request the hon. Minister to accept our suggestions.

Dr. Melkote (Raichur): I consider that the Government have done a good thing. . . .

Mr. Chairman: The hon. Member might continue his speech tomorrow.

Shri Nanda: If you would permit me, I would like to say something which has some bearing on the proposal for reference of the Bill to the Select Committee. If I had thought that there was any need for such a thing, I would have agreed to it immediately. In any case, if the House wants it, I will certainly agree to it. But I want to explain one thing. The reason given is that the Select Committee may enable certain new provisions to be introduced. I do not think that is possible because we are amending certain clauses only. For bringing in new clauses I think we have to wait for a longer period when a comprehensive Bill can be brought forward. Therefore, we would be best wasting two or three months if we were to refer this to the Select

Committee, as desired by the hon. Members. Now I am repeating the offer that tomorrow morning at 9 o'clock we are prepared to meet members of both this House and the Rajya Sabha, who are interested in our going over the ground again also, later on, because very probably this Bill will not be passed tomorrow. That discussion will be equally effective and fruitful, if not more. It will be in room No. 2, the room of the Labour Minister. If you allow it, this information may also be conveyed through the bulletins of both the Houses.

Mr Chairman: Is it a meeting?

Shri Nanda: It would be an informal meeting of all those members who are interested in the Bill.

Shri B. Das Gupta (Gurulia): That does not do away with the necessity of the Select Committee.

Shri Nanda: If after that meeting it is felt that there is need for a Select Committee, we can consider it. We cannot now afford to wait for another two-three months when I find there is already considerable unrest. We must remember that it will not be a question of a few days but some months.

17.05 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, December 9, 1959/Agrahayana 18, 1881 (Saka).

[Tuesday, December 8, 1959/Agrahayana 17, 1881 (Saka)]

ORAL ANSWERS TO
QUESTIONS

S.Q. No.	Subject	3847—83 COLUMNS
657.	Conversion of super-constellations as passenger-cargo planes .	3847—51
658.	Sugarcane cultivation in Orissa .	3851—53
659.	Replacement of Dakotas by L.A.C. .	3853—56
660.	Development of Hindu- sthan Shipyard .	3856—58
661.	Jammu-Srinagar Road .	3858—65
662.	Roorke-Badrinath Road .	3865—68
663.	Theft of Government files .	3868—70
665.	Change in the course of Yamuna River .	3870
666.	Rajasthan Canal .	3870—73
667.	Colliery siding from Rimigundam to Goda- vari Khani .	3873—74
668.	Annual Session of F.A.O. .	3874—77
669.	Smuggling of wheat and sugar from Delhi .	3877—79
670.	Production of small turbines .	3879—80
671.	Machkund Project .	3881—83
672.	Post Office Savings Accounts of Gram Panchayats .	3883—84

WRITTEN ANSWERS TO
QUESTIONS

S.Q. No.	3884—3946
664. Private Forests Act, Himachal Pradesh .	3884
673. Kalinga Airlines .	3885
674. New penicillin .	3885—86
675. Medical Colleges in Himachal Pradesh .	3886
676. Police Van Train col- lision .	3886—87
677. Detention of Godavari Valley Express .	3887
678. Thermal Station at Cambay .	3887—88
679. Stabbing in train near Itarsi .	3888—89
680. Train accident averted .	3889
681. Bridge on the Brahma- putra at Pandu .	3889—90
682. Detention of train by students .	3890
683. Ganga barrage .	3891

WRITTEN ANSWERS TO
QUESTIONS—contd.

S.Q. No.	Subject	COLUMNS
684.	Output of B.C.G. vaccine and Tuberculin .	3891—92
685.	Mob-attacks on Rail- way .	3892—93
686.	Widening of roads in New Delhi .	3893—94
687.	Mata Tila Power Project .	3894
688.	Alarm-chain pulling on Railways .	3894—95
689.	Booking between Paleza Ghat and Mahendru Ghat .	3895
690.	Interim General Plan of Delhi .	3895
691.	Konar Dam (D.V.C.) .	3896
692.	Supply of foodgrains in Himachal Pradesh .	3896
693.	Transport of road material to steel plants .	3896—97
694.	Gandak Project .	3897
695.	Licence fee on cheap radio sets .	3897—98
696.	Lighthouse Workshop, Calcutta .	3898

U.S.Q.
No.

1066.	Electrification of stations on N. Railway .	3898—99
1067.	Export of wheat from Himachal Pradesh .	3899
1068.	Ayurvedic and Unani Text books .	3899—3900
1069.	Akbarpur Tanda Rail Link .	3900—01
1070.	Sinking of cargo ves- sels near Saurashtra .	3901
1071.	Construction of Brahma- putra Bridge .	3901—02
1072.	Development of fishe- ries in Punjab .	3902—03
1073.	Animal husbandry and milk supply schemes in Punjab .	3903—04
1074.	Forest development in Himachal Pradesh .	3904
1075.	Japanese method of paddy cultivation .	3904—05
1076.	Ayurveda in Delhi .	3905—06

WRITTEN ANSWERS TO QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
1077.	Rohtak-Bhiwani Rail- way Line . . .	3906-07
1078.	Hospitals in Districts . .	3907
1079.	Ayurveda . . .	3908
1080.	Second bridge on the Yamuna . . .	3908-09
1081.	Railway delegation to Australia . . .	3909
1082.	Extra-departmental staff of P & T. . .	3909-10
1083.	New Road Bridge near Sankrail . . .	3910
1084.	Wagon repair work- shop, S. E. Railway . .	3910-11
1085.	Prices of essential commodities . . .	3911-12
1086.	Renaming of roads in Delhi . . .	3912-13
1087.	Soil erosion and silting in Himachal Pradesh . .	3913-14
1088.	Spurious drugs . . .	3914
1089.	Scheduled Castes and Scheduled Tribes Em- ployees at Cochin Port . .	3915
1090.	Kathua feeder canal . .	3915
1091.	Adilabad-Mudkhed Railway Line . . .	3915-16
1092.	Steel poles for telegraph facility schemes . . .	3916
1093.	New Telephone Ex- changes in Jammu and Kashmir State . . .	3916-17
1094.	Fishery in Punjab . . .	3917
1095.	Telegraph Line between Kathua and Pa- thankot . . .	3918
1096.	Report of Finnish Ex- perts on Forest Indus- tries . . .	3918-19
1097.	Filaria control pro- gramme in Kerala . . .	3919
1098.	Kosi canals . . .	3920
1099.	Sugar Factories . . .	3920-21
1100.	Cooperatives in Kerala . .	3921-22
1101.	Godown sheds in Hima- chal Pradesh . . .	3922-23
1102.	I.A.C. route pattern . .	3923
1103.	Central Council of Local Self Govern- ment . . .	3923-24
1104.	Polo ground, Imphal . .	3924
1105.	Per capita consump- tion of fish, meat and poultry . . .	3924

WRITTEN ANSWERS TO QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
1106.	Vallabhbbhai Patel Chest Institute . . .	3925
1107.	Consumption of various types of food in States . .	3925-26
1108.	Fisheries of Kerala State . . .	3926
1109.	Railways schools . . .	3926-27
1110.	Arrears of payment on S. E. Railway . . .	3927
1111.	Fair price shops in Kerala . . .	3927-28
1112.	P. & T. Employees, Sambalpur . . .	3928
1113.	Family Planning . . .	3928-30
1114.	House Building Ad- vances . . .	3930-31
1115.	Malaria in U.P. . .	3931-32
1116.	Locomotives . . .	3932
1117.	P. & T. Employees, Rourkela . . .	3933
1118.	Roads in Agartala . . .	3933-34
1119.	Agartala Post Office Building . . .	3934
1120.	Goods Trains accidents . .	3934-35
1121.	Kosi Co-ordination Board . . .	3935
1122.	Pay Scales of Railway Teachers . . .	3935-36
1123.	Central Government Hospitals in Delhi . . .	3936-37
1124.	Overbridge at Vijya- wada . . .	3937
1125.	Cremation ground near South Vinay Nagar . . .	3937-38
1126.	Derailment of Katangi- Gondia Train . . .	3938
1127.	Indian Central Cotton Committee . . .	3938-39
1128.	Children run over by train . . .	3939
1129.	Telephone Bills . . .	3940-41
1130.	Kazipet Railway Sta- tion . . .	3941
1131.	Damaged stream near Masulipatam . . .	3941-42
1132.	Allotment of wagons . .	3942
1133.	Refusal of jet training by A.I.I. pilots . . .	3942-44
1134.	National Harbour Board . . .	3944
1135.	Night Airmail . . .	3944
1136.	Railway Time Table . .	3944-45

WRITTEN ANSWERS TO QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
1137.	Naming of Brahma-putra Bridge . . .	3945
1138.	Corruption cases on S.E. Railway . . .	3945-46
1139.	P. & T. building, Jhargram . . .	3946
PAPERS LAID ON THE TABLE . . .		3947

(1) A copy of the Report of the Inland Water Transport Committee.

(2) A copy of Notification No. G.S.R. 1309 dated the 25th November, 1959, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE . 3947-49

Shri S. M. Banerjee called the attention of the Minister of Railways to the explosion on the Amritsar-Pathankot Railway track on the 29th November, 1959.

The Deputy Minister of Railways (Shri Shah Nawaz Khan) made a statement in regard thereto.

MOTION RE. INCREASE IN ALLOCATION OF TIME TO BILL . 3988

Shri Raghbir Sahai moved that the time for consideration and passing of the Dowry Prohibition Bill,

MOTION RE. INCREASE IN ALLOCATION OF TIME TABLE—contd.

as reported by the Joint Committee, be extended from 5 hours to 7 hours.

The motion was adopted.

BILLS UNDER CONSI- DERATION . 3950-4068

(1) Further clause-by-clause consideration (clause 3) of the Dowry Prohibition Bill, as reported by Joint Committee, continued. Consideration of clause 2 was held over. Clause-by-clause consideration was not concluded.

(2) The Minister of Labour and Employment and Planning (Shri Nanda) moved that the Mines (Amendment) Bill, be taken into consideration. Two amendments for reference of the Bill to a Joint Committee and one amendment for reference of the Bill to a Select Committee were moved. The discussion was not concluded.

AGENDA FOR WEDNES- DAY, DECEMBER 9, 1959/AGRAHAYANA 18, 1881 (SAKA)—

Further clause-by-clause consideration and passing of the Dowry Prohibition Bill, consideration and passing of the Mines (Amendment) Bill and consideration of the motion re. Summary of Proceedings of the Sixteenth Session of the Indian Labour Conference.